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**A GUIDE TO HIGHWAY
CONSTRUCTION PERMITTING
IN MONTANA**

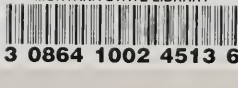
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NOTE

This Guide is primarily for use after the project has been let to contract. At the time of the contract letting, the Montana Department of Transportation has secured most of the permanent construction work permits. The permanent construction work permits pertain to work inside the right-of-way.

The first part of this Guide covers the contractor's responsibility for securing permits for temporary facilities in accordance with the Standard Specifications Article 107.11 and Section 208. The co-permitting obligations with regard to the storm water runoff permit, and other permits that could be necessary, depending on the conditions.

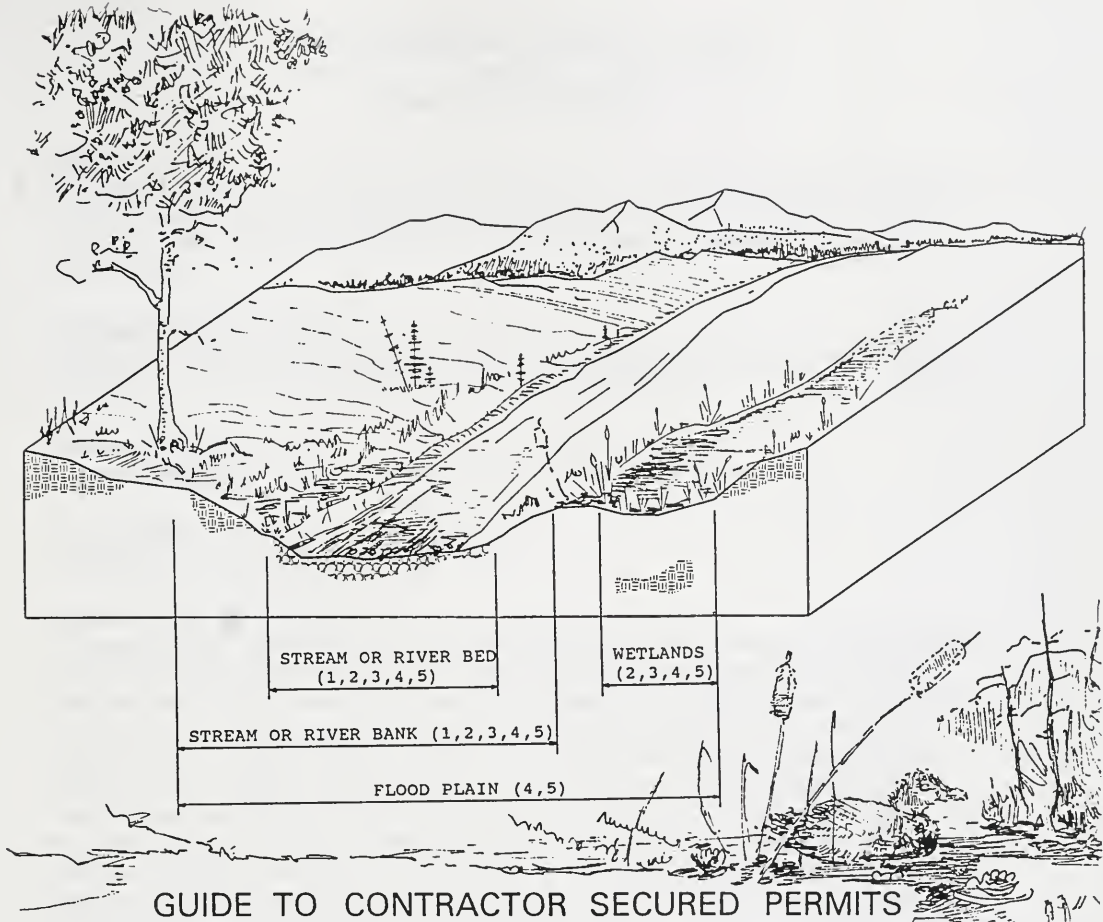
The appendix portion of the Guide contains additional data on permitting requirements and copies of most of the permits. The contractor shall secure and transmit copies of all necessary permits to the Project Manager.

Questions or revisions to this Permitting Guide should be directed to Benjamin Dean, Montana Department of Transportation, Helena, Montana 59635. Phone (406) 444-6395 FAX (406) 444-7297

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GUIDE TO CONTRACTOR SECURED PERMITS

PERMITTING GUIDE

Using the diagram above determine if construction affects or intrudes on any of the areas. The numbers in the diagram refer to the required permits listed below and described on the following pages:

1. Montana Stream Preservation Act (124-Temporary Facilities Request).
2. Short-Term Exemption from Montana's Surface Water Quality Standards (3A Authorization).
3. Construction Dewatering General Discharge Permit (Short Form C).
4. General Discharge Permits for Storm water.
5. Other laws and permits that may apply depending upon construction changes on the project.

**MONTANA STREAM PRESERVATION ACT
(SPA)**

Temporary Facilities Request

Who Must Apply

The contractor must submit a Temporary Facility Request to the Engineering Project Manager in accordance with section 208 of the Standard Specifications for road and bridge Construction. This request is for any temporary facility which may affect the bed or banks of any stream or river drainage.

Activities Requiring a Permit

Any project directed by MDT requiring temporary facilities not specifically called for and shown on MDT construction plans, but necessary to complete the project.

Purpose of the Law

To protect and preserve fish and wildlife resources in their natural existing state.

Who Administers the Law

The Montana Fish, Wildlife & Parks (MFWP).

Application Procedure/Time Table

The contractor shall submit four (4) copies of his construction plan for temporary facilities to the MDT Engineering Project Manager at least forty (40) days prior to commencing construction. The plan shall be for all facilities not specifically addressed in the project contract or plans. The plan must cover temporary structures, access roads, detour bridges, cofferdam excavations, temporary foundations, special designs or other construction facilities and activities which may affect a stream or wetland. The plan and the proposed procedures, shall be supplemented by cross sections, detailed drawings, narrative descriptions, and other information sufficient to accurately describe the facility. Facilities requiring structural design must be designed and sealed by a licensed professional engineer. The Engineering Project Manager will forward the plans to the MDT Construction Environmental Reviewer. The MDT Construction Review Section will review the submittal to check engineering construction logic and compliance with environmental, structural and other specifications. The MDT Construction Environmental Reviewer will submit the plan and supporting information [accompanied by the Department of Fish, Wildlife and Parks' (DFWP) 124 SPA form] to the MFWP.

Within thirty (30) days of receipt of the plan, the MFWP will furnish MDT written notice of approval, conditional approval, denial and/or recommended changes. MDT will notify the Contractor of the approval or recommended revisions required. The Contractor shall revise and resubmit the plan to the Project Manager. Temporary facilities shall not be constructed until approved in writing by MFWP and received by the Construction Environmental Review Section.

The Contractor is responsible for acquiring all other permits required by law or regulation.

**SHORT-TERM EXEMPTION FROM MONTANA'S
SURFACE WATER QUALITY STANDARDS
(3A Authorization)**

Who Must Apply

Any person, agency, or entity, both public and private, initiating a short-term activity that will cause short-term violations of state surface water quality standards for turbidity, total dissolved solids or temperature.

Activities Requiring An Authorization

Any activity in any state water that will cause unavoidable short-term violations of water quality standards.

Purpose of the Law

- To provide short-term exemptions from water quality standards for construction activities. Activities shall be carried out in accordance with conditions prescribed by the Department of Environmental Quality.
- To protect water quality.
- To minimize sedimentation.

Who Administers the Law

The Department of Environmental Quality (DEQ).

Application Procedure/Time Line

The contractor is required to obtain a 3A Authorization from the Department of Environmental Quality (DEQ). A copy of the application form is in the appendix. A 3A Authorization must be obtained prior to initiating construction activities in and around state waters. This application process may be waived by the Department of Fish, Wildlife and Parks during review of the Temporary Facilities Request. Normally the applications are processed within fourteen (14) days.

Copies of all authorizations and/or permits shall be furnished to the MDT Engineering Project Manager by the contractor before commencing activities for which these permits are required.

For more information contact:

Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901
Tel: (406)444-4626

**MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM
CONSTRUCTION DEWATERING GENERAL DISCHARGE PERMIT
Short Form C Application**

Who Must Apply

Any contractor initiating discharge, pumping or dewatering during construction activities which result in a discharge to State Waters.

Activities Requiring an Authorization

Any activity where the discharge, pumping or dewatering activity during construction can result in discharge or degradation of water quality to surface waters or ground waters of the state.

Purpose of the Law

- To provide for the permitting of a short-term or permanent discharge of waste water.
- To provide for proper treatment of discharge to protect state waters.
- To protect water quality.
- To protect wetlands.
- To minimize sedimentation.

Who Administers the Law

The Department of Environmental Quality

Application Procedure/Time Line

The contractor is required to obtain a Construction Dewatering General Permit from the Department of Environmental Quality. A copy of the Short Form C Construction Dewatering and Discharge Permit application form and Supplemental Information Report is attached in the appendix. A Construction Dewatering General Discharge Permit must be obtained prior to discharge into any state waters which include wetland areas.

The Department of Environmental Quality has thirty (30) days to complete the review process for new individual applications. Normally the applications are processed within fourteen (14) days. There is an initial application fee of \$200.00 for each permit and an annual fee of \$250.00 for each permit.

Work authorized by a Construction Dewatering - General Discharge Permit (Short Form C) will not be permitted to begin until the Contractor has furnished the Project Manager with a copy of the authorization letter.

For more information contact:

Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901
Tel: (406)444-2406

**INDIAN RESERVATION POLLUTANT DISCHARGE ELIMINATION SYSTEM
CONSTRUCTION DEWATERING
Administered by EPA**

Who Must Apply

Any contractor initiating discharge, pumping or dewatering during construction activities which result in a discharge into waters of the United States on an Indian Reservation.

Activities Requiring an Authorization

Any activity where the discharge, pumping or dewatering activity during construction can result in discharge or degradation of water quality to surface waters or ground waters on an Indian Reservation.

Purpose of the Law

- To provide for the permitting of a short-term or permanent discharge of waste water.
- To provide for proper treatment of discharge to protect waters of the United States.
- To protect water quality.
- To protect wetlands.
- To minimize sedimentation.

Who Administers the Law

The Environmental Protection Agency.

Application Procedure/Time

The contractor is required to fill out a General Application Form 1 and the Application Form 2D to obtain a construction dewatering permit from the EPA. A copy of the application is in the appendix. A Construction Dewatering Permit must be obtained prior to discharge into any waters of the United States.

On the Flathead Reservation, a copy of the application must be sent to the following, as well as to the address shown on the application.

Tribal Water Quality Program
Environmental Protection Division
P.O. Box 278
Pablo, MT 59855
Phone: (406) 657-2700, Ext. 369

EPA Compliance Officer
Region VIII, Montana Office
Federal Building
301 S. Park, Drawer 10096
Helena, MT 59626-0096

The EPA has sixty (60) days to complete the review process for new individual applications for each permit.

Work authorized by a Construction Dewatering Permit will not be permitted to begin until the Contractor has furnished the Project Manager with a copy of the authorization letter.

For more information contact:

Environmental Protection Agency
Montana Office
301 South Park, Drawer 10096
Helena, MT 59626-0096

**POLLUTANT DISCHARGE ELIMINATION SYSTEM
GENERAL DISCHARGE PERMITS FOR STORM WATER**

Activities Requiring a Permit

In the State of Montana excluding Indian Reservations

This permit covers all construction, mining, and industrial project activities. If construction activities result in clearing, grading or excavating of a total of five (5) acres or more, or a contiguous disturbance greater than one acre, part of which is located less than one hundred (100) feet from State waters, permit coverage is required.

On Indian Reservations

The EPA requires that construction, mining and industrial project activities, if these activities, separately or in combination, result in a disturbance of a total of five (5) acres or more, must be covered under two separate Notice of Intent (NOI) requests. A NOI needs to be sent in for coverage under the General Construction Activities permit which covers the construction activities and a separate NOI for the general industrial activities permit which covers aggregate production and hot plant sites.

Who Administers the Law.

For projects on Indian reservations the Contractor shall file a notice of intent (NOI) with the U.S. Environmental Protection Agency. The original shall be sent to:

Storm Water Notice of Intent
P.O. Box 1215
Newington, VA 22122

One copy shall be sent to:

Environmental Protection Agency
Compliance Officer
Region VIII Montana Office
301 S. Park, Drawer 10096
Helena, MT 59626-0096

On the Flathead Reservation, one copy shall be sent to:

Vern Berry - Stormwater Program
EPA Region VIII
999 18th St.
Denver, CO 80202-2466

Tribal NPDES Office
Environmental Protection Division
P.O. Box 278
Pablo, MT 59855
Phone: (406) 675-2700, Ext. 467

The NOI must be postmarked at least two (2) days before the start of construction and the Storm Water Pollution Plan must be completed before the NOI is submitted.

Although the requirements of the EPA's and State's general permits are similar, EPA's general permit does not require that the storm water pollution prevention plan be submitted to EPA unless the permittee is specifically notified to do so. It is mandatory that the plans and the compliance documents be at the project site for inspection by MDT, or EPA during all construction and maintenance activities. After the project is complete and revegetated sufficiently to eliminate the erosion potential, a Notice of Termination (NOT) must be sent to:

Storm Water Notice of Termination
P.O. Box 1185
Newington, VA 22122.

EPA Compliance Officer
Region VIII Montana Office
301 S. Park, Drawer 10096
Helena, MT 59626-0096

On the Flathead Reservation, one copy shall be sent to:

Vern Berry - Stormwater Program
EPA Region VIII
999 18th St.
Denver, CO 80202-2466

Tribal NPDES Office
Environmental Protection Division
P.O. Box 278
Pablo, MT 59855
Phone: (406) 675-2700, Ext. 467

For all lands within the State of Montana but outside Indian reservations, the Department of Environmental Quality (DEQ) is the permitting agency.

DEQ has three (3) separate storm water permits which may be involved on highway projects:

1. General Discharge Permit for Storm Water Associated with Construction Activities
2. General Discharge Permit for Storm Water Associated with Mining Activities
3. General Discharge Permit for Storm Water Associated with Industrial Activities

With regards to the General Discharge Permit for storm water associated with construction activities, the Contractor and the Montana Department of Transportation (MDT) are co-permittee. The preliminary erosion control plans are drafted by MDT and shipped to DEQ. When the project is awarded, it is the Contractor's responsibility to inform DEQ that they were the successful bidder. DEQ will send the Permit application package, including the Erosion Control Plan developed by MDT, to the Contractor to complete. The Contractor must complete the form and also apply for the permits for the mining activities i.e., gravel sources and borrow

areas, and industrial activities such as staging areas and plant sites. No work can be started until the Contractor receives written authorization from DEQ and a copy is given to the MDT Project Manager.

Purpose of the Law

The basic principle is to identify areas or activities which may contribute pollutants to surface or ground waters and employ practical methods to reduce such pollutants.

Who Administers the Law

Outside Indian Reservations:

Montana Department of Environmental Quality

Within Indian Reservations:

U.S. Environmental Protection Agency

On the Flathead Reservation:

U.S. Environmental Protection Agency

Tribal NPDES Office

Environmental Protection Division

Procedures for Changing the Approved Erosion Control Plans

There are two separate situations that can arise. The first situation is in areas identified by the contractor or project personnel that need protection and are not shown on the approved Erosion Control Plan (ECP). In this situation, the erosion controls shall be placed and the additional erosion controls marked in the Erosion Control Plan. A copy of the Erosion Control Plan sheet showing, the additional erosion controls should be sent to the Construction Bureau. These changes will be passed on to the designer and Environmental Services so they can be incorporated into the future design and permit application processes.

The second situation is where it is felt that the ECP has excessive controls or BMP's that will are not appropriate. If any erosion controls, as shown on the approved plan, are to be eliminated or moved, more than 50 feet from the desired location, the following procedure shall be followed:

1. A revised Erosion Control Plan shall be sent to the Construction Bureau Environmental Reviewer with an explanation stating the reasons why the change is needed.
2. The Construction Bureau Environmental Reviewer will evaluate the proposal and send the request to the DEQ. The DEQ Reviewer will review the proposal and advise as to the proposal's acceptability.

Reductions or eliminations of planned erosion control shall not take place unless coordinated with the Construction Bureau and authorized by DEQ.

For Projects on Indian Lands Administered by the EPA

1. Erosion controls shall be placed according to the ECP and at any additional areas identified as requiring additional erosion controls. These new controls shall be recorded on the ECP, signed and dated.
2. On EPA-monitored projects, the changes in the ECP shall be made on the plan and signed and dated. These documents shall be available for review at any time.
3. A copy of the changes shall be sent to the Construction Bureau Environmental Reviewer.

Time Line

MDT Projects Under Jurisdiction of DEQ

DEQ will review the Erosion Control Plans and advise as to acceptance within thirty (30) days from the arrival date to DEQ. If the plan is not acceptable, it will be returned to MDT for revision. This process shall continue until the plan is approved. Work shall not commence until the approved plan and permit is received by the Contractor and a copy given to the Field Project Manager. There is an application and annual fee for each discharge point up to five discharge points. The application fee is \$400.00 per discharge point for a maximum of \$2,000.00 for each project. The annual fees are \$250.00 per discharge point up to a total of five (5) discharge points for a maximum of \$1,250.00. Work on the project shall not commence until approval is received and a copy of the approval is given to the MDT Engineering Project Manager.

MDT Projects Under Jurisdiction of EPA

The Notices of Intent must be postmarked two (2) days before the contractor is authorized to proceed. The Contractor is responsible for keeping the ECP up-to-date and documenting all revisions and repair work on the erosion controls.

For more information contact:

Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901
Tel: (406)444-5338

Environmental Protection Agency
Office of Waste Water Enforcement and Compliance
Permits Division
401 M Street SW
Washington, DC 20460
Storm Water Hot line: (703)821-4823

Environmental Protection Agency
301 South Park Drawer 10096
Helena, MT 59626-0096
Tel: (406)441-1140

Vern Berry
EPA Region VIII
999 18th St.
Denver, CO 80202-2466

On the Flathead Reservation:

Tribal NPDES Office
Environmental Protection Division
P.O. Box 278
Pablo, MT 59855
Phone: (406) 675-2700, Ext. 467

**DEQ WATER QUALITY DIVISION
VEGETATION STABILIZATION CRITERIA
FOR STORM WATER**

This document shall serve as the basis for determining final stabilization for terminating coverage under the General Discharge Permit for Storm Water Associated with Construction Activity effective September 22, 1994.

Vegetative Cover

The revegetation for final stabilization shall form an effective and permanent vegetative cover which prevents soil movement prior to termination under the general permit. The minimum vegetative cover requirement shall be the amount of cover sufficient to prevent accelerated erosion. Accelerated erosion shall be defined as rills of 2 inches deep or more, earth slides, mud flows, sediment deposition, or evidence of concentrated flows of water over bare soils.

Final revegetation stabilization shall be accomplished using seeding mixtures of forbs, grasses, and shrubs that are adapted to the conditions of the site.

The DEQ staff shall take into consideration final stabilization in relation to the percent cover of vegetation at the site prior to disturbance.

Documentation

Documentation supporting that the site has been adequately stabilized shall be submitted. The documentation required shall include:

1. Pictures of the present revegetative growth at the construction project shall be required. Pictures of the location where each transect was conducted shall be required. Low level photography shall occur at approximately 90 degrees to the surface in order to properly assess ground cover.
2. A minimum of at least one 100 feet transect of revegetation shall be conducted for every five acres that is cleared, graded or excavated. Additional transects may be required by the department on a site-by-site basis. The DHES shall determine the number of transects required for large construction projects (>20 acres). Transects shall be located in an area(s) that is representative of the revegetation for the whole construction project. Transects shall be conducted by laying out a 100 feet tape. At every foot mark, note whether vegetation, litter/mulch or bare soil is encountered. Determine the average cover by multiplying the number of points where litter or vegetation is encountered by 100%.
3. Areas in which final stabilization may be less than satisfactory due to poor soil or other natural site conditions, shall document the percent cover of the indigenous vegetation with pictures and a transect(s).

Termination

Termination of coverage under the general permit will be at the discretion of DEQ professional staff. A contractor may terminate coverage once they have been released from a construction contract by the owner. The owner is responsible for permit coverage and final stabilization once the contractor has been relieved of the contract requirements for a construction project.

CLEAN WATER ACT -- RIVERS & HARBORS ACT

The Corps of Engineers regulates waters of the United States and navigable waters of the United States under two federal statutes: Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act.

Section 10 of the Rivers and Harbors Act regulates activities on navigable waters of the United States. In Montana, navigable waters include all of the Missouri River, the Yellowstone River from the bridge at Emigrant downstream to the confluence of the Missouri River, and the Kootenai River upstream to the Canadian Border. Any work on, under, or over these water bodies requires authorization from the Corps of Engineers.

Section 404 regulates the discharge of dredged and/or fill material into waters of the U.S. which includes all navigable waters. Authorization is required for the excavation or the placement of dredged or fill material such as dirt, gravel, cement, etc., into Section 10 waters (as stated above), and all other waters, including interstate waters, lakes, rivers, streams, creeks, springs, seeps, mud flats, sand flats, wetlands, wet meadows and intermittent drainages where there is a defined bed and bank. No Section 404 authorization can be issued by the Corps of Engineers until Section 401 certificate (or a waiver thereof) is obtained pursuant to the requirements of Section 401 of the Clean Water Act.

401 certification or waiver indicates that the proposed project does not violate Montana water quality standards.

For projects not located on Indian Reservations, the Montana Department of Environmental Quality provides 401 certification. The U.S. Environmental Protection Agency (EPA) provides 401 certification of Indian Reservations in Montana except on the Confederated Salish-Kootenai Tribes of the Flathead Reservation and the Fort Peck Tribes of the Fort Peck Reservation. These tribes administer 401 certification for activities within their reservation boundaries.

If the state, tribe, or EPA denies a 401 water quality certification for certain activities within that state or reservation, then the Corps of Engineers will deny authorization for those activities without prejudice. Anyone wanting to perform such activities must **first** obtain a project specific 401 water quality certification or waiver from the state, tribe, or EPA before proceeding under any Department of the Army permit.

Authorizations vary as to the extent of the activity. Types of authorizations are: Nationwide permit, General Permit, Letter of Permission, and Individual Permit.

Many highway construction activities such as limited bank stabilization, minor stream crossings, and minor fills can be authorized under a Nationwide Permit. Stream channel changes and wetland filling may require a full public interest review under an Individual Permit which takes 60/90 days minimum to complete.

Highway projects should have their necessary permits before the letting of contracts. Any changes to a project in the field that are jurisdictional to Section 10 or Section 404 that have not been authorized in an issued permit will require the contractor to contact the COE. prior to the beginning construction in these defined areas.

Violations of these two federal statutes may be subject to civil and/or criminal action, fines of \$500 to \$50,000 per day, and possible imprisonment.

A copy of the permit and instruction sheet is included in the appendix

If you are not sure if a permit may be required and for more information contact:

U.S. Army Corps of Engineers
301 S. Park, Drawer 10014
Helena, MT 59626-0014
Tel: (406)441-1375
Fax No: (406) 441-1380

On the Flathead Reservation:

Tribal Water Quality Program
Environmental Protection Division
P.O. Box 278
Pablo, MT 59855
Phone: (406) 675-2700, Ext. 369

Instructions for Preparing a
Department of the Army Permit Application

Blocks 1 through 4. To be completed by the Corps of Engineers.

Block 5. Applicant's Name. Enter the name of the responsible party or parties. If the responsible party is an agency, company, corporation or other organization, indicate the responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information marked **Block 5**.

Block 6. Address of Applicant. Please provide the full address of the party or parties responsible for the application. If more space is needed, attach an extra sheet of paper marked **Block 6**.

Block 7. Applicant Telephone Number(s). Please provide the number where you can usually be reached during normal business hours.

Blocks 8 through 11. To be completed if you choose to have an agent.

Block 8. Authorized Agent's Name and Title. Indicate name of individual or agency, designated by you, to represent you in this process. an agent can be an attorney, builder, contractor, engineer or any other person or organization. *Note:* An agent is not required.

Blocks 9 and 10. Agent's Address and Telephone Number. Please provide the complete mailing address of the agent, along with the telephone number where he/she can be reached during normal business hours.

Block 11. Statement of Authorization. To be completed by applicant if an agent is to be employed.

Block 12. Proposed Project Name or Title. Please provide name identifying the proposed project (i.e., Landmark Plaza, Burned Hills Subdivision or Edsall Commercial Center).

Block 13. Name of Water body. Please provide the name of any stream, lake, marsh or other waterway to be directly impacted by the activity. If it is a minor (no name) stream, identify the Water body the minor stream enters.

Block 14. Proposed Project Street Address. If the proposed project is located at a site having a street address (not a box number), please enter here.

Block 15. Location of Proposed Project. Enter the county and state where the proposed project is located. If more space is required, please attach a sheet with the necessary information marked **Block 15**.

Block 16. Other Location Descriptions. If available, provide the Section, Township and Range of the site and/or the latitude and longitude. You may also provide description of the proposed project location, such as lot numbers, tract numbers or you may choose to locate the proposed project site from a known point (such as the right descending bank of Smith Creek, one mile down from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed project sit, if known.

Block 17. Directions to the Site. Provide directions to the site from a known location or landmark. Include highway and street numbers, as well as names. Also, provide distances from known locations and any other information that would assist in locating the site.

Block 18. Nature of Activity. Describe the overall activity or project. Give appropriate dimensions of structures such as wingwalls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles or float supported platforms.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked **Block 18**.

Block 19. Proposed Project Purpose. Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project. Give the approximate dates you plan to both begin and complete all work.

Block 20. Reason(s) for Discharge. If the activity involves the discharge of dredged and/or fill material into a wetland or other Water body, including the temporary placement of material, explain the specific purpose of the placement of the material (such as erosion control).

Block 21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards. Describe the material to be discharged and amount of each material to be discharged within Corps jurisdiction. Please be sure this description will agree with your illustrations. Discharge material includes: rock, sand, clay, concrete, etc.

Block 22. Surface Area of Wetlands or Other Waters Filled. Described the area to be filled at each location. Specifically identify the surface areas, or part thereof, to be filled. Also include the means by which the discharge is to be done (backhoe, dragline, etc.). If dredged material is to be discharged on an upland site, identify the site and the steps to be taken (if necessary) to prevent runoff from the dredged material back into a Water body. If more space is needed, attach an extra sheet of paper marked **Block 22**.

Block 23. Is Any Portion of the Work already Complete? Provide any background on any part of the proposed project already completed. Describe the area already developed, structures completed, any dredged or fill material already discharged, the type of material, volume in cubic yards, areas filled, if a wetland or other Water body (in acres or square feet). If the work was done under an existing Corps permit, identify the authorization if possible.

Block 24. Names and Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Project Site. List complete names and full mailing addresses of the adjacent property owners (public and private) lessees, etc., whose property adjoins the Water body or aquatic site where the work is being proposed so that they may be notified of the proposed activity (usually by public notice). If more space is needed, attach an extra sheet of paper marked **Block 24**.

Information regarding adjacent landowners is usually available through the office of the tax assessor in the county or counties where the project is to be developed.

Block 25. Information About Approvals or Denials by Other Agencies. You may need the approval of other federal, state or local agencies for your project. Identify any applications you have submitted and the status, if any (approved or denied) of each application. You need not have obtained all other permits before applying for a Corps permit.

Block 26. Signature of Applicant or Agent. The application must be signed by the owner or other authorized party (agent). This signature shall be an affirmation that the party applying for the permit possesses the requisite property rights to undertake the activity applied for (including compliance with special conditions, mitigation, etc.).

DRAWINGS AND ILLUSTRATIONS

General Information.

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a **Vicinity Map**, a **Plan View**, or a **Typical Cross Section Map**. Identify each illustration with a figure or attachment number.

Please submit one original, or good quality copy, of all drawings on 8½" x 11" plain white paper (tracing paper or film may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations.

Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross section). **While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate and contain all necessary information.**

OTHER LAWS AND PERMITS THAT MAY APPLY DEPENDING ON CONSTRUCTION CHANGES

Notification

When proposed construction activities encroach further than the plans and permits authorize into a stream or wetland area, the Project Manager will review the changes with the District Construction Supervisor.

The District Construction Supervisor will coordinate the necessary permitting activities with the Construction Environmental Reviewer and Environmental Services. The revised permits must be received in writing by the Project Manager and approved by the appropriate agencies before the proposed construction activity commences.

Activities Requiring Authorization

- Additional fill in wetlands, rivers, and stream channel areas.
- Changes in alignment not shown on plans.
- Changes in wetland replacement area in either location, size or design.
- Changes in stream channel alignment.
- Any other activity not specifically addressed in the plans or permits previously issued.

Type of Action Required

The MDT. Construction Environmental Reviewer and MDT. Environmental Services will assist the District Construction Supervisor and Project Managers with permit revisions and any necessary environmental assessments.

General Permit Guide

For your information, a general permit guide has been prepared which shows the agencies that can be affected by construction. Copies of applicable laws and administrative rules are available from the Construction Environmental Reviewer and Environmental Services.

AGENCY PERMIT GUIDE

(You may need to contact one or more of the following agencies to determine the permits necessary for your project)

LAWS	ACTIVITY											
	WORK IN OR ON STREAM CHANNELS OR BANKS				DISCHARGING WATER INTO LIVE STREAM				WATER USE OR DIVERSION			
	FED LAND	STATE LAND	PRIV LAND	IND RES	FED LAND	STATE LAND	PRIV LAND	IND RES	FED LAND	STATE LAND	PRIV LAND	IND RES
Coal & Uranium Reclamation	7.9.11	5A.7	7	16.17	--	5A	--	--	--	5A	--	--
Open Cut Mining	7.9.11	5A.7	7	16.17	--	5A	--	--	--	5A	--	--
Metal Mine Reclamation	7.9.11	5A.7	7	16.17	--	5A	--	--	--	5A	--	--
*General Mining Law	9.11.6	5A	6	16.17	6.9.11	5A.6	6	16.17	9.11, 16	5A.16	16	15.16, 17
Water Pollution Control	6	5A.6	6	16.17	6	5A.6	6	16.17	6	5A.6	6	16.17
Water Rights	--	5A	--	16.17	--	5A	--	--	5.15	5.5A	5	5.15, 16.17
Natural Streambed & Land Preservation "310"	1.4.9, 11	1.4.5A	1.4	16.17	--	5A	--	--	1.4.9, 11	1.4.5A	1.4	1.4.17
Stream Protection "124"	4.9	4.5A	4	4.16, 17	--	5A	--	--	4.9	4.5A	--	13.16, 17
Clean Water Act Section 404	13	5A.13	13	13.16, 17	--	5A	--	--	13	5A.13	13	13.16
Floodplain & Floodway Management	5	2.5.5A	2.5	5.17	--	5A	--	--	5	2.5.5A	2.5	17
Lake Shore Protection	2	2.5A	2	17	--	5A	--	--	2	2.5A	2	17
*Wetlands Floodplain	9.11.13	10.13, 5A	10.13	10.17	9.11	5A.10	10	10.16, 17	9.11, 13	5A.10, 13	10.13	10.13, 17
Local Zoning Laws	--	2.3.5A	2.3	2.3.17	--	2.3.5A	2.3	2.3.17	--	2.3.5A	2.3	2.3, 17
State & Federal Environmental Act	5.9, 11.16	5.5A.10, 16	5.10, 16	5.10, 16.17	5.6.9, 11.16	5.5A.6, 10.16	5.6, 10.16	--	5.9, 11.16	5.5A, 10.16	5.10.16	16.17
State & Federal Archaeologic & Historic	8.9.11, 12.13	4.5A, 8.13	8.12	1.5A.8, 10	8.9, 11.12	4.5A.8	8	8.17	8.9.11, 12.13	4.5A.7, 8.13	8.13	8.13, 17
*FERC Regulations	--	5A	--	--	--	5A	--	--	9.11, 14	5A	--	--
*River & Harbor Act	13	5A.13	13	13.17	--	5A	--	--	13	5A.13	13	13.17
Storm Water Runoff Act	4.6	4.5A.6	4.6	4.16.17	6	5A.6	6	16.17	6	5A.6	6	16.17
Navigable Rivers & Streams	5A	5A	5A	5A	5A	5A	5A	5A	5A	5A	5A	5A

*Federal Laws

**Agencies involved (contact agency or organization owning or administering land if multiples are listed)

Local

- Conservation Districts
- County Commissioners
- City
- Tribal Environmental Authority

State of Montana

- Montana Fish, Wildlife & Parks
- Department of Natural Resources & Conservation - Water Resources Division
- Dept. of National Resource & Conservation, Trust Land Management Division
- Department of Environmental Quality - Water Quality Division
- Department of Environmental Quality - Open Cut Mining Act
- Montana Historical Preservation Office

Federal

- USDA, Forest Service
- USDA, Soil Conservation Service
- USDI, Bureau of Land Management
- USDI, Fish & Wildlife Service
- US Army Corps of Engineers
- Federal Energy Regulation Commission
- Agency Administering Federal Land
- Environmental Protection Agency

OPERATOR RESPONSIBILITIES OPEN CUT MINING ACT-TITLE 82, CHAPTER 4, PART 4 MCA

The Department of Environmental Quality Reclamation Division administers the Open Cut Mining Act that requires and regulates reclamation of land mined for sand, gravel, phosphate rock, bentonite, clay, and scoria.

All operators who have mined a total of 10,000 cubic yards of product and overburden since 1973 must enter into a Mined Land Reclamation Contract with the State once the limit has been exceeded, regardless of the succeeding operation's size and volume.

To comply with the Act, an operator must complete and submit for approval:

1. Application for Mined Land Reclamation Contract form,
2. Mined Land Reclamation Contract,
3. Plan of Operations,
4. Reclamation Bond,
5. Zoning Compliance form,
6. Landowner Consent form, and
7. \$50.00 filing fee.

After the Department receives an application, it is reviewed for completeness, a site evaluation is conducted, and the plan of operations is further reviewed for content and applicability to the site. If further information is necessary, the operator will be notified. Although the statute allows 30 days to review (plus an additional 30 if necessary), 15 days is the target for approval. During those 15 days, Department staff is in contact with the local weed districts, the Natural Heritage Program for threatened and endangered species, and the State Historic Preservation Office, and is also preparing the Environmental Assessment.

To aid the operator's compliance, Open Cut Mining Bureau staff have prepared a packet containing the statute, rules and regulations, all forms necessary, plus guidelines and examples.

Department staff located in Helena, Kalispell, and Billings, are available and willing to assist operators in application preparations and to answer any questions.

For additional information contact:

Department of Environmental Quality
Permitting & Compliance Division
Industrial & Energy Minerals Bureau
Open Cut Mining Section
P.O. Box 202301
Helena, MT 59620-2301
Tel: 444-3920

A list of the area phone numbers are as follows:

Helena:	(406) 444-3920
Kalispell:	(406) 752-7994
Billings:	(406) 259-3264

MONTANA FLOODPLAIN AND FLOODWAY MANAGEMENT ACT (Floodplain Development Permit)

Who Must Apply

Any one planning new construction within a designated 100-year floodplain. Check with the local planning officials or the Floodplain Management Section of the Department of Natural Resources and Conservation to determine whether a 100-year floodplain has been designated for the stream of interest.

Activities Requiring a Permit

New construction including, but not limited to, placement of fill, roads, bridges, culverts, transmission lines, storage of equipment or materials, and excavation; new construction, placement, or replacement of manufactured homes; and new construction, additions, or substantial improvements to residential and commercial buildings.

Purpose of the Law

To restrict floodplain and floodway areas to uses that will not be seriously damaged or present a hazard to life, if flooded, thereby limiting the expenditure of public tax dollars for emergency operations and disaster relief.

Who Administers the Law

Floodplain Development Permits are available from the local floodplain administrator, who may be the city/county planner, sanitarian, building inspector, town clerk, or county commissioner.

Application Procedure/Time Line

Permit applications are available from the local floodplain administrator or from the Department of Natural Resources and Conservation. Application fees are established by the local government and vary widely throughout the state. The application process may take up to 60 days.

Regulations Applied to Highways Construction

New construction or reconstruction of highways, roads, bridges, or culverts that take place within a designated 100-year floodplain must be designed to minimize increases in flood heights, and can not raise the level of the 100-year flood by more than 0.5 feet. No fill can be placed within a designated floodway.

Additional information and assistance can be obtained from the:

Local Floodplain Administrator,

OR

Department of Natural Resources and Conservation
Floodplain Management Section
P.O. Box 201601
Helena, MT 59620-1601
(406) 444-6654

A copy of the permit application must be obtained from the local floodplain administrator.

MONTANA LAND-USE LICENSE OR EASEMENT ON NAVIGABLE WATERS

Who Must Apply

Any entity proposing a project on lands below the low water mark of navigable waters of the State of Montana as determined by the Department of Natural Resources and Conservation (DNRC), Trust Land Management Division.

Activities Requiring a Permit

The construction, placement, or modification of a structure or improvement on lands below the low water mark of navigable streams. If in doubt, contact the DNRC, Trust Land Management Division, Area Land Office with jurisdiction over the project area for a determination of the navigability of the stream and the location of the low water mark.

Purposes of the Law

- To protect riparian areas and the navigable status of the water body.
- To provide for the beneficial use of state lands for public and private purposes in a manner that will provide revenues without harming the long-term capability of the land or restricting the original commercial navigability.

Who Administers the Law

Department of Natural Resources and Conservation

Application Procedure/Timeline

A DNRC, Trust Land Management Division land-use license or easement application, along with the non-refundable application fee and the Application for Licensing Structures & Improvements on Navigable Water Bodies (Form DS-432), must be submitted to the appropriate Area Land Office. A copy of the navigable waterways owned by the state and must be filled. Copies of the permits are located in the Appendix.

The area Land Office staff will review the application, conduct a field investigation, if necessary, and file an environmental action checklist. A written report and recommendation is then submitted to the Special Uses Bureau, Trust Land Management Division in Helena, which makes the final determination and recommends stipulations as necessary. A Land-Use License can normally be reviewed, approved, and issued within 60 days upon the payment of the \$25 application fee and a minimum annual rental fee set by the Department. The license may be held for a maximum period of ten (10) years, with the ability to request renewal for an additional ten (10) years. An easement requires approval from the Board of Land Commissioners, which normally takes up to 90 days. The current easement application fee is \$50, with an additional easement fee that varies based upon 50 percent of the appraised value of the adjoining property.

For more information, contact:

DNRC Area Land Offices
Trust Land Management Division

OR

Department of Natural Resources and Conservation
Trust Land Management Division
1625 Eleventh Avenue
P.O. Box 201601
Helena, MT 59620-1601
(406)444-2074

MONTANA WATER USE ACT (Water Right Permit)

Who Must Apply

Any person, agency, or governmental entity intending to acquire new or additional water rights or change an existing water right in the state.

Activities Requiring a Permit

General Rule - A person must obtain a beneficial water use permit **before commencing** to construct new or additional diversion, withdrawal, impoundment, or distribution works for appropriation of **groundwater over 35 gallons per minute to 10 acre-feet per year or for any surface water.**

Exceptions - Groundwater appropriations of 35 gallons per minute or less and 10 acre-feet or less and stockwater impoundments of less than 15 acre-feet must first be appropriated and put to beneficial use before a water right will be issued.

Types of Water Rights

Provisional Permit - Grants the use of water for a specific amount and purpose.

Temporary Permit - The same as the provisional permit, except it has an expiration date.

Certificate of Water Right - Issued on groundwater appropriations of 35 gallons per minute or less and 10 acre-feet or less.

Authorization to Change - Allows an appropriator with a recognized water right to change the place of use, point of diversion, purpose of use, or place of storage and maintain the priority date of the initial water right.

Temporary Change - Allows an appropriator to change the water right temporarily for a period of up to ten (10) years. No authorization is required for the water right to revert to the original purpose, point of diversion, place of use, or place of storage after the term expires.

Purposes of the Law

- To provide a permit and certificate system of water rights administration similar to systems used in other Western states.
- To maintain a general adjudication of all existing water rights in the state.
- To implement a centralized record system in addition to the local courthouse records.

Who Administers the Law

Water Rights Bureau, Department of Natural Resources and Conservation (DNRC).

Application Procedure/Timeline

Water right application forms are available at all 56 county clerk and recorders' offices and at the nine Water Resources regional Offices **located in Billings, Bozeman, Glasgow, Havre, Helena, Kalispell, Lewistown, Miles City, and Missoula.**

Water right applications may take up to six (6) months to complete. The water permit application fee is \$100.00. The fee for an application for change is \$100.00. The fee for a Certificate of Water right on groundwater developments of 35 gpm or less and 10 acre-feet or less is \$25.00.

For more information, contact:

Water Rights Bureau
Department of Natural Resources and Conservation
P.O. Box 201601
Helena, MT 59620-1601
(406)444-6610

OR

Local DNRC Water Resources Regional Office

CONSTRUCTION AND CULTURAL RESOURCES LEGAL AUTHORITIES

By the time a project gets to the construction phase, procedural laws pertaining to cultural resources should, for the most part, already be satisfied. However, despite the best efforts of archaeologists and historians, sites are often missed. Should archaeological or historical artifacts turn up during construction, Section 107.22 in the Standard Specifications for Road and Bridge Construction should be followed. The following are statutes that may apply.

1. STATE OF MONTANA

A. Human Remains and Burial Site Protection Act

This law pertains to all human skeletal remains, burial sites and burial material, including those in marked, unmarked, unrecorded, registers, or unregistered graves or burial grounds located on state or private lands in Montana. **The law states, "A person who by archaeological excavation or by agricultural, mining, construction, or other ground-disturbing activity discovers human remains, a burial site, or burial material shall immediately notify the county coroner."** Failure to immediately stop work in the vicinity of the discovery and call the coroner subjects a person to a series of fines and/or jail time described in the bill.

B. Montana Antiquities Act

This law mandates that the State "...avoid, whenever feasible, state actions or state assisted or licensed actions that substantially alter heritage properties or paleontological remains on lands owned by the state..." The law also requires that the discovery of archaeological or paleontological material be reported to the Montana State Historic Preservation Office (SHPO).

2. FEDERAL LAWS

A. Section 106 of the National Historic Preservation Act (Section 106)

The Section 106 regulations begin, "Section 106 of the National Historic Preservation Act requires a Federal agency head with jurisdiction over a Federal, federally assisted, or federally licensed undertaking to take into account the effects of the agency's undertaking on properties included in or eligible for the National Register of Historic Places and, prior to approval of an undertaking, to afford the Advisory Council on Historic Preservation an opportunity to comment on the undertaking." Thus, MDT must identify cultural resources and evaluate the significance of them. MDT then assesses the effects the undertaking is likely to have on those resources and allow the Montana State Historic Preservation Office the opportunity to comment on our findings prior to construction of a project. **Contractor-furnished material sources, too, must undergo review under Section 106.**

As with most other laws relating to archaeological and historic resources, **Section 106 requires individuals who discover sites during construction to halt work in the immediate area of the discovery and notify the appropriate authorities.**

B. Native American Graves Protection and Repatriation Act (NAGPRA)

This law prohibits the disturbance of human remains and associated grave goods found on Federal and Indian lands. **NAGPRA requires that if a discovery occurs in connection with any activity, including construction, mining, logging, and agriculture, the person shall cease the activity in the area of the discovery, and notify the land manager with jurisdiction over the place in question.**

C. Archaeological Resources Protection Act (ARPA)

The law states, "The purpose of the Act is to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites which are on public lands and Indian lands..." **The law makes it illegal for any person to excavate, remove, damage or otherwise alter or deface or attempt to excavate, remove, damage or otherwise alter or deface any archaeological resource located on public lands unless such activity is pursuant to an ARPA permit granted by the Federal land manager with jurisdiction over the lands in question.** The law provides for criminal penalties of up to five years in prison and \$100,000 in fines for persons convicted of a second offense.

INSTRUCTIONS FOR APPLICATION FOR RIGHTS-OF-WAY ON STATE LANDS

WHEN ACCEPTING APPLICATIONS FOR EASEMENTS, THE STATE LAND BOARD REQUIRES THE FOLLOWING:

1. An original and one copy of completed application.
2. An original and one copy (or two copies) of plat or survey.
3. A statement signed by the State Surface Lessee which indicates they have made arrangements for compensation for leasehold damages, if any.
4. A statement signed by the applicant which gives the reason(s) why application is made on State land rather than an alternative.
5. A professional Cultural Survey.*

THE APPLICATION must be signed in a manner which reflects the name of applicant as you wish it to appear on the easement right-of-way deed. Immediately above the signature are spaces to indicate the acreage requested from each 40-acre subdivision or government lot.

IF THE LEGAL subdivision or metes and bounds description does not appear on the plat or survey, it must appear at the top of the reverse side of the application. The surveyor need sign only the survey plat. IT is not necessary for that person to sign in the survey space on the application (if the plat is signed).

IF APPLICATION is being made for a road or utility right-of-way, the survey is normally a metes and bounds centerline description. If the requested right-of-way will cross more than one section of trust land, the survey may include all State tracts on the one survey. However, this is not applicable to the application. A separate legal description and application must be made for each section of land the application is made on. (Separate records are kept in our files on each section and a separate deed is issued for each section.) The plat must show the acreage taken and remaining for each 40-acre tract or lot (Ref. 877-2-102(2)MCA)

UNDER TERMS of a State Surface Lease, the Lessee has the basic right to graze or seed crops on approved acres. The State has retained the right to sell minerals, other non-conflicting uses, and to sell rights-of-way easements. Before the State sells an easement, the Surface Lessee is given the opportunity to be compensated for any damages to Department approved leasehold interests, such as but not limited to road, crops, summer fallow, forage, water developments, buildings and fences.

CHARGES are based on market values of requested acres and are not paid until after Board approval and you have received a statement.

ALL AGENCIES OR PERSONS interested in putting a project on School Trust lands should contact the area office that handles the county the request is in. Contact with the area office should be made before an actual survey is done. After an on-site inspection, the area manager will consider whether the project is in the best interest of the trust. If there are no problems, a survey may be conducted and formal application may be made. All easement applications should be sent to the appropriate area offices for review. Enclosed is a listing of area offices and the counties they manage.

A NON-REFUNDABLE \$50.00 APPLICATION FEE MUST ACCOMPANY THE APPLICATION WHEN SUBMITTED BEFORE ANY PROCESSING WILL BEGIN.

*To aid in processing an application, a cultural survey conducted by an approved professional is recommended, unless waived by the Department's staff archaeologist. Applicants may elect to wait for department staff to conduct the survey, but should be aware this could delay processing of their application for their project.

**REMOVAL OF GRAVEL FROM STATE LANDS
DEPARTMENT OF NATURAL RESOURCES & CONSERVATION
AREA CONTACTS**

Barbara Hamburg, Supervisor 444-4561
Mineral Leasing Section 444-2074 - Main Department Number
Minerals Management Bureau
Department of Natural Resources & Conservation

If you are on State land, you must have a permit from the Department of Natural Resources & Conservation, Trust Land Management Division to test or remove aggregate.

The Board of Land Commissioners is authorized to lease and permit sand, gravel, and other aggregates for removal and disposition upon such terms and conditions it determines necessary under and pursuant to the terms and provisions of 77-3-201, et seq. MCA, as amended.

Mineral Leasing Section

Issues all permits, licenses, and leases to prospect for or remove minerals, including aggregate (sand, gravel, borrow, riprap, etc.) from State lands. Receives and records all royalty payments for minerals, including aggregate, that have been removed from State lands. An additional permit to remove material must be obtained from the Open Cut Bureau, Department of Environmental Quality, with follow-ups on the reclamation on State lands.

Test Permits, which allow you to test for aggregate on State lands, are issued from our Area and Unit offices.

List of Area and Unit Managers and Counties they cover:

Central Land Office, Helena - 444-3633
Garry Williams, Manager, Forest & Lands Programs

Helena Unit Office - 444-3633	Lewis & Clark (except Lincoln area)
Bob Vlahovoch, Unit Manager	Meagher, Jefferson, Broadwater, Cascade

Bozeman Unit Office - 586-5243	Gallatin, Madison (E½), Park
Jim Kalitowski, Unit Manager	

Dillon Unit Office - 683-6305	Beaverhead, Madison (W½)
Stan Vlahovoch, Unit Manager	

Conrad Unit Office - 278-7869	Pondera, Glacier, Toole, Teton
Russ Offerdahl, Unit Manager	

Eastern Land Office	Carter, Custer, Dawson, Fallon,
Miles City - 232-2034	Prairie, Powder River, Richland,
Dwayne Andrews, Area Manager	Rosebud, Wibaux

Southern Land Office	Big Horn, Carbon, Musselshell,
Billings - 259-3264	Sweetgrass, Stillwater, Treasure,
Don Kendall, Area Manager	Yellowstone

Northeastern Land Office, Lewistown - 589-5989
Craig Roberts, Area Manager

Lewistown Unit Office - 538-5989
Barney Smith, Unit Manager

Choteau, Fergus, Golden Valley,
Judith Basin, Petroleum, Wheatland,
Blaine, Hill, Liberty

Glasgow Unit Office - 228-2430
Bob Harrington, Unit Manager

Daniels, Garfield, McCone,
Phillips, Roosevelt, Sheridan,
Valley

Southwestern Land Office, Missoula - 542-4200
Jeff Jahnke, Area Manager

Missoula Unit Office - 542-4201
Ray Erickson, Unit Manager

Mineral, Missoula

Hamilton Unit Office - 363-1585
Mark Lewing, Unit Manager

Ravalli

Clearwater Unit Office - 244-5857
Steve Wallace, Unit Manager

Lewis & Clark, Powell (North),
Missoula

Anaconda Unit Office - 563-6078
Fred Staedler, Unit Manager

Deer Lodge, Granite, Silver Bow,
Powell (South)

Northwestern Land Office, 2250 Highway 93 N.
Kalispell - 752-7994
Bill O'Brien, Area Manager

Kalispell Unit Office - 756-6575
Bill Wright, Unit Manager

Flathead, Lake, Lincoln

Libby Unit Office - 293-2711
Bill Caldwell, Unit Manager

Lincoln

Plains Unit Office - 826-3851
Marvin Miller, Unit Manager

Sanders

Stillwater Unit Office - 881-2371
Tom Vars, Unit Manager

Flathead, Lincoln

Swan River Unit Office - 754-2301
Glen Gray, Unit Manager

Lake, Flathead, Missoula

SOLID, HAZARDOUS, PETROLEUM, AND ASPHALT WASTE REQUIREMENTS

Solid Waste

Solid waste is regulated by the Montana Department of Environmental Quality. The regulations are listed in Section 75-10-203(11)(a) and (b) Montana Codes Annotated (MCA) ARM 17.50.403(21) § Administrative Rules of Montana (ARM). Solid wastes are grouped based on physical and chemical characteristics. These characteristics determine how the wastes need to be handled and disposed. By definition, "solid waste" can be solid, semi-solid, liquid or gaseous.

Group I wastes include solid wastes that are classified by EPA as hazardous wastes in 40 CFR 250.1. See separate discussion below.

Group II wastes include decomposable wastes and mixed solid wastes containing decomposable material but excluding hazardous wastes. This group includes municipal and domestic wastes such as garbage and putrescible organic materials, paper, cardboard, cloth, glass, metal, plastics, street sweepings, yard and garden wastes, digested sewage treatment sludges, ashes, dead animals, offal, discarded appliances, abandoned automobiles, treated timbers, petroleum contaminated soils and asphaltic concrete.

If there is no beneficial use, these wastes must go to a licensed Class II municipal landfill. See separate discussions on petroleum contaminated soils, asphaltic concrete and treated timbers below.

Group III wastes include wood wastes and non-water soluble, essentially inert solids. This group includes brick, dirt, rocks, sand, gravel, Portland cement concrete (with rebar cut off), wood materials (non-treated), brush, lumber, and vehicular tires.

These wastes can be disposed of at a licensed Class III landfill or a licensed Class II landfill.

Hazardous Waste

Hazardous wastes are also regulated by the Montana Department of Environmental Quality. The regulations are listed in Title 17, Chapter 50 of the Administrative Rules of Montana. A hazardous waste is a solid waste that contains an EPA "listed" substance that has been shown to be harmful to human health or the environment, or has certain "characteristics". The "listed" substances include pesticides such as DDT and 2,4,5-T and solvents such as 1,1,1-trichloroethane and methyl ethyl ketone. MDT's Environmental Services should be consulted to determine if a waste material contains a "listed" hazardous waste.

"Characteristic" hazardous wastes are wastes that exhibit any one of the following characteristics:

Ignitability: Any combustible or flammable waste with a flashpoint below 140°F. Examples include: fuels, solvents, petroleum products, etc.

Corrosivity: Any waste with a pH less than 2.0 or greater than 12.5. Examples include: battery acid, alkaline cleaning wastes.

Reactivity: Any waste that is unstable or undergoes violent chemical reactions when mixed with water or other materials. Examples include: hydrogen cyanide, sodium cyanide, hydrogen sulfide, industrial bleaches and oxidizers.

Toxicity: Any waste that contain constituents (heavy metals or organic compounds) that have been shown to be harmful to human health and the environment. There are 40 constituents that the EPA has established concentration limits for that are banned from landfill disposal. Examples include: Paint, sump sludge, grease, solvents, pesticides, heavy metal contaminated waste, creosol, 2,4-D, etc.

Petroleum Contaminated Soils

Non-hazardous petroleum contaminated soils can either be disposed of at licensed Class II landfill or at a licensed landfarm facility. In some cases, petroleum contaminated soils encountered during roadway or utility excavations may be allowed to stay on-site. A determination will need to be made on a case-by-case basis by the Montana Department of Environmental Quality.

Asphaltic Concrete and Millings

Waste asphaltic concrete and millings are considered a Group II solid waste unless they have some beneficial use. Options for dealing with waste asphaltic concrete or millings include the following:

Recycle: Crush and recycle into new hot mix.

Stockpile: Store the asphaltic concrete or millings at an environmental sound location until it can be used on another road project. The stockpile should be located away from any stream or water. Stockpiling for future use should not be misused as a way of getting around disposal requirements. A reasonable period of time to stockpile waste material should not be longer than two to three years.

Fill Material: Utilize the waste asphalt material as subgrade or shoulder fill as long as it meets engineering design criteria, and is not placed so as to cause or potentially create environmental degradation of the surrounding soils or state waters. If the asphalt material is to be utilized as shoulder fill, it must not be placed in proximity to standing water, or seasonally high water tables, and must be compacted and covered with two feet of clean soils capable of providing run-off away from the road way and shoulder areas.

Disposal at gravel pits: Only clean fill such as soil, dirt, sand, gravel, rock, non-painted brick, rebar-free concrete, and asphaltic pavement generated on site by this operation will be disposed of on site. Other wastes will only be disposed of on site if an appropriate solid waste management system license is obtained from the Department of Environmental Quality. If asphaltic pavement is disposed of on site, a separation of at least 25 feet will be maintained between the waste and the seasonally high groundwater table, unless otherwise approved by the Department of Environmental Quality.

Re-use as surfacing material: Milled and/or crushed asphaltic concrete can be used as surfacing material for turnouts, gravel roads or parking areas. The material can be spread and rolled and, in some cases, covered with a surface application and chip sealed.

Treated Timbers

Treated timber wastes are generated from old bridge decking and guard rail posts. Analytical testing has shown that this material is non-hazardous waste but they are still considered a Group II waste and must be disposed of at a Class II landfill. Prior approval from a landfill is generally required and they may require additional testing. In no case, should treated timbers be burned as a means of disposal.

ENVIRONMENTAL DEFINITIONS:

"Waters of the United States" or "Waters of the U.S."

- I. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- II. All interstate water, including interstate wetlands;
- III. All other water such as intra-state lakes, rivers, streams (including intermittent streams), mud flats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce, including any such waters:
 - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - c. Which are used or could be used for industrial purposes by industries in interstate commerce.
- IV. All impoundments of waters otherwise defined as waters of the United States under this definition;
- V. Tributaries of waters identified in paragraphs I. through VI. of this definition;
- VI. The territorial sea; and
- VII. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs I. through VI. of this definition.

Wetland Definition

The Environmental Protection Agency and Corps of Engineers for administering the Section 404 permit program defines wetlands as: "those areas that are inundated or saturated at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence

of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas."

State Waters

As found in Section 75-5-103(25) MCA which states:

(25)(a) "State waters" means a body of water, irrigation system, or drainage system, either surface or underground.

(b) The term does not apply to:

(I) ponds or lagoons used solely for treating, transporting, or impounding pollutants; or

(ii) irrigation waters or land application disposal waters when the waters are used up within the irrigation or land application disposal system and the waters are not returned to state waters.

Discharge

The injection, deposit, dumping, spilling, leaking, placing, or failing to remove any pollutant that may enter State or Federal waters. This includes groundwater.

Pollution

A harmful chemical or waste material discharged into the water or atmosphere. To make foul or corrupt, make unclear, impure, contaminate or dirty.

Sediment as a Pollutant

Sediment becomes a pollutant when it enters Federal or State waters due to man's activities.

Storm Water

Means storm water runoff, snow melt, surface and drainage runoff.

Ordinary High Water Mark

The Environmental Protection Agency and the Corps of Engineers define ordinary high water mark as the line on the shore established by the fluctuations of water and indicated by physical characteristics, such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

EROSION CONTROL DETAIL DRAWINGS

Erosion is the process in which soil particles are displaced and transported by wind or water.

Erosion Control is the non-structural prevention of soil dislocation and migration. Erosion Control is the most cost-efficient of the storm water runoff management techniques. The most efficient Erosion Control practice is to leave as much native vegetation undisturbed as practically possible. Undisturbed soils with vegetation is least likely to have erosion problems. Also, natural vegetation can reduce the sediment loads of runoff from adjacent disturbed areas. Other practices include temporary and permanent re-vegetation, slope roughening, mulching, use of soil binders, and erosion control mats. By far, the best practice is to leave native vegetation in-place, when possible, by disturbing no more area than necessary.

Sedimentation is the deposition of eroded material suspended in wind or water. **Sediment Control** is the structural prevention of continued soil migration after disturbance. Sediment Control practices include sediment traps/basins, barriers, filters, and pavement. The objective of Sediment Controls is to prevent sediment from leaving the construction site. Sediment Controls are less efficient than Erosion Controls. It is easier to prevent erosion than to stop sediment.

The Erosion Control Plan addresses both temporary Erosion and Sediment Control. It is the basic framework of a strategy to prevent or minimize erosion and sediment movement during construction activities. The following erosion control measures shall be conducted as a general approach or method to all construction activities in order to prevent or minimize erosion. Prior to construction, a detailed Erosion Control Plan complete with maps and drawings shall be submitted for approval to the Montana Department of Environmental Quality (MDEQ) Water Quality Division by Montana Department of Transportation (MDT) Environmental Services. No land clearing or construction activities shall occur until the erosion control plan has been approved. Best Management Practices (BMPs) must be implemented and maintained as specified in the MDT Highway Erosion Control Detail Drawings and comply with all provisions of the storm water discharge permit. These BMPs are not comprehensive and do not supersede MDT Standard Specifications or mandates and requirements specified by other authorized State and Federal agencies.

Reductions or removal of BMPs from the Erosion Control Plans must be requested in writing to the Construction Bureau and approved by the MDEQ Water Quality Division. Increases or addition of BMPs to the Erosion Control Plan to further protect water quality may be implemented as directed by the Engineer. The contractor shall comply with the requirements of the storm water permit. The contractor shall implement the erosion control plan and its general requirements.

Construction sequencing shall be conducted in such a manner to minimize erosion and sedimentation. Clearing and grubbing shall be minimized to the smallest practical area. Whenever possible, vegetative buffers strips shall be maintained between the toe of the fill slope and any water resource to the maximum extent possible. Grading should begin within 72 hours of removing topsoil or pioneering. Culvert installations should begin within 72 hours of clearing, grubbing or grading and must be completed as quickly as practical. If installation delays occur, additional erosion control measures will be required. Special concern must be given to slopes within close proximity to channel changes, embankment protection and culvert installations to assure that sediment is not released in the drainage.

Whenever possible stockpiled materials (topsoil, gravel, etc.) shall be placed a minimum of 30.5 meters (100 feet) from surface waters. Stockpiled materials placed less than 30.5 meters (100 feet) from surface waters shall be protected with BMPs selected by the contractor to prevent release of sediment to the surface water. Hazardous materials (fuel, paint, solvents, glues, asphalt materials, fertilizers, pesticides, etc.) shall be placed a minimum of 30.5 meters (100 feet)

from surface waters. Whenever possible, these materials shall be stored in covered shelters where they do not come in contact with storm water. Whenever possible asphalt plant operations shall be located a minimum of 30.5 meters (100 feet) from surface waters. Asphalt plant operations located within 30.5 meters (100 feet) from surface water shall be adequately protected with BMPs selected by the contractor.

Temporary erosion controls BMPs shall be installed prior to disturbing soils when constructing fill slopes and as soil disturbing activities are conducted in the case of cut slope protection, ditch bottom protection, and inlet/outlet protection. Permanent erosion controls specified in the bid documents such as riprap for embankment protection or pipe inlet/outlet protection, or slope drains shall be installed prior to or in conjunction with the associated earth-disturbing activities. This serves as both a temporary and permanent erosion control measure.

Best Management Practices (BMPs) shall be inspected at least once every seven days and within 24 hours of a storm event that results in runoff. BMPs shall be maintained and repaired, as necessary, to remain in compliance with their intended function and capacity as specified in the Erosion Control Plan and all provisions of the storm water discharge permit.

The following is a synopsis of the BMPs in the MDT Erosion Control Detail Drawings:

Slope Roughening (SR) All slopes steeper than 3:1 and greater than 5 vertical feet (1.5 meters) require slope rounding. SR is a very rough soil surface on slopes resulting from construction activities or the systematic roughening using heavy equipment to create ridges perpendicular to the slope. The soil surface shall have horizontal depressions equal to or greater than 2 inches or 50 mm horizontally; the horizontal depressions shall be no further apart than twice the height. Slope roughening is the best first line of defense to control erosion and sediment runoff.

Slope roughening excludes rock slopes that cannot be excavated by ripping. Appropriate supplementary BMPs include temporary seeding or erosion seeding. When fill slopes are within 50 feet of surface water, sediment retention BMPs are required; either sediment control fences or runoff interception ditches.

Stepped Slope (SS) is a very rough soil surface on slopes with horizontal depressions/stair stepping cuts or terraces created by appropriate machinery. The use of this BMP is to be determined by the engineer.

When possible, horizontally step all cut slopes 2:1 and steeper, excluding rock slopes that cannot be excavated by ripping. Step slopes at the discretion of the engineer and in accordance with MDT Standard Specifications 208 and 203.03.1F.

Temporary Seeding (TS) is the establishment of a temporary vegetative cover by seeding with cereal barley or cereal oats. Use temporary seeding on areas 3:1 or flatter that will be exposed for longer than 14 days and that will undergo further disturbance, excluding rock slopes that cannot be excavated by ripping. Use temporary seeding with slope roughening.

Seeding dates and application rates are as follows:

April 1- June 15: Cereal Barley 12 lbs/acre
June 16 - Sept. 1: Cereal Oats 15 lbs/acre

Contact the MDT Agronomist prior to using substitutions or placing temporary seeding outside these dates. Drill seed slopes of 3:1 or flatter. For slopes steeper than 3:1 refer to erosion seeding.

Erosion Seeding (ES) is the immediate seeding of freshly exposed slopes. Use erosion seeding on cut and fill slopes with a slope of steeper than 3:1 that will not undergo further disturbance, excluding rock slopes that cannot be excavated by ripping. This seeding will not replace or substitute for final seeding activities specified in the seeding special provision.

Seed completed sections daily, regardless of the time of year. Accomplish seeding by manual broadcasting with a shoulder-harnessed spreader seeder or its equivalent with no mulch or fertilizer applied. Store the recommended seed mix on-site prior to initiation of slope excavation. If one or more species is unavailable, contact the MDT Agronomist for the substitute. The seed mix and rate of application are as follows:

DISTRICT	SPECIES	LB/ACRE PLS
1 (MISSOULA)	Pryor or Revenue Slender Wheatgrass	3
	Secar Bluebunch Wheatgrass	5
	Critana Thickspike Wheatgrass	5
	Durar Hard Fescue	2
2, 3, 5 (BUTTE, GREAT FALLS, BILLINGS)	Pryor or Revenue Slender Wheatgrass	3
	Secar Bluebunch Wheatgrass	5
	Sodar Streambank Wheatgrass	5
	Covar Sheep Fescue	2
4 (GLENDALE)	Pryor Slender Wheatgrass	3
	Secar Bluebunch Wheatgrass	5
	Rosana Western Wheatgrass	5
	Lodorm Green Needlegrass	5

In addition to the seed mix and rates shown, add one of the following:

April 1 - June 15: Cereal Barley 10 lb/acre

June 16 - Sept. 1: Cereal Oats 10 lb/acre

Run-on Diversion/Control (RD) is a berm of compacted soil and/or a ditch on top of cut slopes to intercept storm water runoff from the drainage area above the unprotected slopes and direct it to a stabilized outlet. It is used on the top of cut slopes 2:1 and steeper, excluding rock slopes that cannot be excavated by ripping, or the top of fill slopes where there is potential for road bed runoff. This BMP can be used on flatter slopes at the discretion of the engineer.

Construct run-on diversion/control structures in conjunction with pioneering and prior to grading operations. If it is to remain in place for longer than 15 days, it requires erosion seed, gravel or riprap.

Install slope drains where needed to prevent concentration of water and over-topping of berm. Place velocity dissipators at the terminus of ditches and where needed. Appropriate supplementary BMPs include temporary seeding, erosion seeding, slope drains or ditch sediment traps.

Slope Drains (SD) consist of a flexible pipe, rigid pipe, geotextile-lined channel or riprap-lined channel. Slope drains are used with run-on diversion/controls or along the toe of fill in cut to fill transitions. Slope drains extend from the collection point to the bottom of the slope and discharge into a drainage channel or a stabilized area (not state waters).

Slope drains convey concentrated runoff down unprotected cut or fill slopes or cut/fill transitions without causing gullies, channels, or saturation of slide-prone soils of a cut or fill slope. Design riprap-lined ditches on a site-specific basis. Riprap size is a function of expected water velocity. Appropriate supplementary BMPs include velocity reduction and sediment retention BMPs.

Erosion Mat (EM) is a vegetative mulch material, jute mat or synthetic geomembrane that must be anchored. Erosion mats are used to protect exposed soils, enhance plant establishment or line ditch bottoms.

Lap erosion mats and anchor according to the manufacturer's specifications, conforming with MDT Standard Specification 610.03.4. Blanket lengths are limited to 25 feet to prevent bridging of the blanket above settling soils. Extend the top edge of the blanket at least 3 feet beyond the top of the slope. Erosion mats are required when the most erodible conditions exist in the soil, slope, surface water and precipitation categories.

Ditch Sediment Traps (DT*) is terminology used to describe the selection of one of four temporary sediment barriers used at intervals along a concentrated runoff flow path. The designer determines the locations requiring ditch sediment traps and the proper intervals and the engineer determines which temporary sediment barrier will be used. Refer to dugout ditch basins, gravel filter berms, sediment control fence and erosion mat for installations.

Ditch sediment traps are used for longitudinal roadside ditches in a cut section or as longitudinal sediment retention basins at the toe of fills. Ditch sediment traps reduce runoff velocity and promote sediment settling. The distance between ditch sediment traps is dependent on the length of ditch section relating to the grade that needs sediment retention. The interval is as follows:

DT1 = 2% to 3%

Dugout ditch basins at 300 feet or

Gravel filter berms at 300 feet or

Sediment control fences at 500 feet or

Erosion mat

DT2 = 3% to 4%

Dugout ditch basins at 150 feet or

Gravel filter berms at 200 feet or

Sediment control fences at 300 feet or

Erosion mat

DT3 = 4% +

Dugout ditch basins at 50 feet or

Gravel filter berms at 100 feet or

Sediment control fences at 150 feet or

Erosion mat

These values are empirical; they are the maximum interval distances for a 2-year, 24-hour rain event. Intervals may be shortened at the discretion of the engineer if soil conditions and/or precipitation indicate a need to do so.

Dugout Ditch Basins (DDB) consist of one or a series of small dugout basins used for concentrated flows to reduce runoff velocity, promote sediment retention and allow settling. The maximum height for dugout ditch basins used inside the errant vehicle recovery area is 6 inches.

Dugout ditch basins are used for longitudinal slope steepness (grade) sediment retention. Applications include ditch sediment traps, interceptor ditches and toe of slope protection. Distance between dugout ditch basins is shown in the ditch sediment trap section for ditch sediment retention, use on slopes is dependent on soil types.

Gravel Filter Berms (GFB) consist of single or series of gravel berms to reduce runoff velocities and retain sediment. The maximum height for gravel filter berms used inside the errant vehicle recovery area is 6 inches.

Berm material must be 100% passing 2" screen and 10% maximum passing No. 4 sieve. Berm material may be pitrun or crushed aggregate.

Gravel filter berms are used for sheet or concentrated flows to reduce runoff velocity, promote sediment retention and allow settling. Applications include ditch sediment traps inlet/outlet protection and toe of slope protection. As a ditch sediment trap, the end of the barrier extends to such an extent that end cutting is prevented. Position the barrier to prevent sediment from entering drainage. Do not place the barrier across live streams. Distance between gravel filter berms is shown in the ditch sediment trap section for ditch sediment retention. Remove sediment from behind the berm when it accumulates to one-half (1/2) the original height unless its drainage area has been stabilized.

Sediment Control Fence (SCF) is a single or series of filter fabric sediment barrier(s) stretched and attached to supporting posts. The fence bottom is entrenched.

Sediment control fences are used for sheet or concentrated flows to assist in sediment control by retaining some of the eroded soil particles and slowing the runoff velocity to allow particle settling. Applications include ditch sediment traps, water resource protection, inlet/outlet protection, bank protection, toe of slope protection and channel changes. Install sediment control fences prior to disturbing areas requiring this BMP or as slope grades are achieved. Maximum cut or fill slope for a sediment control fence is 2:1. Use 2 inch by 2 inch (nominal) wooden stakes.

Sediment control fences are used between the edge of construction disturbance and a water resource or critical resource or right-of-way line that is adjacent to construction activity. In ditches and swales, the ends of the fence curve upstream to prevent flow from by-passing the fence. Position the barrier to prevent sediment from entering the drainage. Do not place the barrier across live streams. Woven wire backing is necessary when dealing with heavier flow velocities and sediment or as rock barrier. The distance between sediment control fences is shown in the ditch sediment trap section for ditch sediment retention. Remove sediment from behind the berm when it accumulates to one-third (1/3) the original height. Prior to removal of fence, sediment deposits will be either graded and seeded or removed.

Straw Bale Barrier (SBB) is a sediment barrier consisting of entrenched, overlapping, and anchored straw bales to reduce runoff velocities and retain sediment. Do not use straw bale barriers inside the errant vehicle recovery area. Straw bales must be certified weed-free.

Straw bale barriers are used for sheet or concentrated flows to reduce runoff velocity, promote sediment retention and allow settling. Entrench the barrier approximately one-third (1/3) of the bale's height and backfill on the uphill side. Use 2 inch by 2 inch (nominal) by 3 foot long wooden stakes. Do not use metal stakes. Use a minimum of two (2) stakes per bale.

As a ditch sediment trap, extend the end of the barrier to such an extent that the bottoms of the end bales are higher than the tops of the lowest center bales. Position the barrier to prevent sediment from entering the drainage. Do not place the barrier across live streams. Repair or replace damaged, under-cut, or end run bales. Applications include (outside the errant vehicle recovery area) ditch sediment traps, inlet/outlet protection, bank protection and toe of slope protection.

Vegetative Buffer Strip (VBS) is an undisturbed area or strip of established natural vegetation. A vegetative buffer strip provides a living sediment filter to reduce runoff velocities and allow capture and settling of coarse-grained sediment. Vegetative buffer strips reduce or prevent sedimentation from leaving the right-of-way.

Identify vegetative buffer strips with flagging before construction occurs. Keep equipment and fill material off of vegetative buffer strips. Always consider vegetative buffer strips when water resources are adjacent to or near disturbances and require protection. The minimum width requirement for a well established vegetative strip with a slope of 3:1 or flatter is 50 feet. The minimum width requirement for a well established vegetative strip with a slope steeper than 3:1 is 100 feet. Appropriate supplementary BMPs include gravel berms, sediment control fences and other sediment retention BMPs.

Runoff Interception Ditches (RID) intercept and convey sheet flow runoff to sediment retention BMPs. Intercepted flows prevent off-site discharge of storm water and sedimentation.

Use runoff interception ditches at the toe of slopes or between disturbed areas and right-of-way lines to prevent flows from carrying sediment off-site. Appropriate supplementary BMPs include slope drains or ditch sediment traps.

Inlet/Outlet Protection (I/O) are structures associated with sediment removal at inlets and sediment removal at pipe outlets. The purpose of this BMP is to allow storm waters of intermittent drainages to flow through disturbed areas with minimal impact during storm events and to keep sediment from leaving MDT property.

Inlet/outlet protection is used at culvert installations that discharge directly into a water resource or cultural and historical resource adjacent to the right-of-way line. Do not use inlet/outlet protection on stock underpasses or approach culverts.

Waterway Protection (WP) is an erosion control for construction activities crossing water resources. Waterway protection applies to perennial stream crossings, wetlands, channel changes, stream bank disturbances, irrigation systems or other impacts to water resources from bridge construction or culvert installation.

Appropriate BMPs include erosion mat, gravel filter berm, sediment control fence, straw bale barrier or vegetative buffer strip. Additional BMPs include slope roughening, run-on diversion/control, ditch sediment trap, dugout ditch basins and runoff interception ditch. This list of BMPs is not comprehensive and does not supersede MDT standard specifications or mandates and requirements specified by other authorized state and federal agencies.

Water Resource Protection (WR) is erosion control for construction activities adjacent to water resources. Waterway protection applies to perennial streams, wetlands, channel changes, stream bank disturbances, irrigation systems or other impacts to water resources from road construction. It can be used for critical resources. The designer denotes "critical resource" on the plans and puts water resource protection with it.

Appropriate BMPs include erosion mat, gravel filter berm, sediment control fence, straw bale barrier or vegetative buffer strip. Additional BMPs include slope roughening, run-on diversion/control, ditch sediment trap, dugout ditch basins and runoff interception ditch. This list of BMPs is not comprehensive and does not supersede MDT standard specifications or mandates and requirements specified by other authorized state and federal agencies.

APPENDIX

FWP Use Only
Date Permit Issued _____
Water Code _____
Appl. No. _____

STREAM PRESERVATION ACT PERMIT APPLICATION

"Notice of Construction"
(Please Print or Type)

Address: (see reverse side)

To: MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS

Region: _____ Attn: Fish Manager

SPONSORING AGENCY:

Address: _____

Official in Charge: _____

Title: _____

Contact Person: _____

Title: _____

Telephone: _____

Telephone: _____

PROJECT IDENTIFICATION: Project Name: _____

Control No.: _____ Project No.: _____ Waterbody: _____

Location: Township _____ Range _____ County: _____

Location to Nearest Town: _____

Project Features: _____ Bridge _____ Culvert _____ Other _____

_____ Work Bridge and _____ Dredging _____

_____ Removal _____ Hydraulic Structure _____

_____ Bridge Demolition _____ Channel Change _____

_____ Core Drill _____ Bank Stabilization _____

Project Scheduling: Contract Letting ____/____/____

Construction Period ____/____/____ to ____/____/____

Allow sixty (60) days for application processing. A set of preliminary plans or sketches of the proposed project **must** accompany this application. (NOTE: Department of Transportation-sponsored projects require **two** sets of plans sent with this form to Helena DFWP address.)

_____ Plans _____ Sketches _____ Other _____

Signature

Date

Distribution: White/Yellow -- Region

Pink -- Applicant

REGIONAL FWP OFFICES

Region 1 -- Kalispell
 Attn: Fish Manager
 490 North Meridan Road
 Kalispell, MT 59901
 752-5501

Region 2 -- Missoula
 Attn: Fish Manager
 3201 Spurgin Road
 Missoula, MT 59801
 542-5500

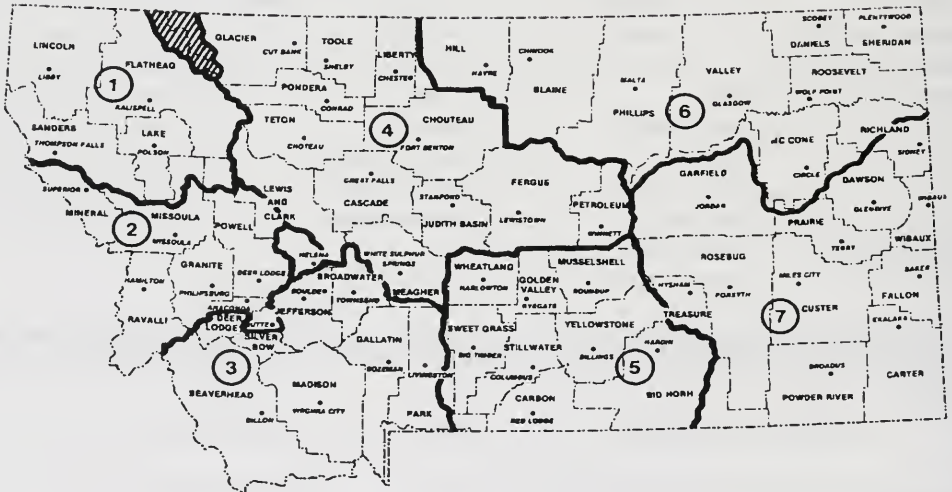
Region 3 -- Bozeman
 Attn: Fish Manager
 1400 South 19th
 Bozeman, MT 59715
 994-4042

Region 4 -- Great Falls
 Attn: Fish Manager
 P.O. Box 6609
 4600 Giant Springs Road
 Great Falls, MT 59406
 454-5840

Region 5 -- Billings
 Attn: Fish Manager
 2300 Lake Elmo Drive
 Billings, MT 59105
 247-2940

Region 6 -- Glasgow
 Attn: Fish Manager
 RR 1, Box 4210
 Glasgow, MT 59230
 228-3700

Region 7 -- Miles City
 Attn: Fish Manager
 RR 1, Box 2004
 Miles City, MT 59301
 232-0900



App. No.:	_____
Date Rec'd.:	_____
Date Issued:	_____

**APPLICATION FOR SHORT-TERM EXEMPTION FROM SURFACE WATER QUALITY
STANDARDS FOR CONSTRUCTION ACTIVITY - ARM 16.20.633(3)**

Please Print or Type

1. Name, address, and telephone number of person responsible for the construction activity:
NAME: _____
MAILING ADDRESS: _____

TELEPHONE: _____
2. Name, address, and telephone number of Contractor or person doing work:
NAME: _____
MAILING ADDRESS: _____

TELEPHONE: _____
3. Name of Water body: _____
4. County of the construction site: _____
5. Location and/or legal description: _____

6. Date activity will commence: _____
Date of completion: _____
7. *List applications made to other agencies or entities for additional permits or authorization:*

(over, please)

8. Description of all construction activities that may result in stream sedimentation or turbidity:

Include the type of equipment to be used and specific type of construction to be done i.e., rip rap, channel changes, excavation, bridge construction, etc.

9. Discuss alternatives considered and/or available for minimizing or eliminating sedimentation or turbidity:

10. *Provide any other general information or plans on additional sheets to fully describe project. Provide a location map of the construction site.*

PREPARED BY: _____
Please print or type

TITLE: _____

SIGNATURE: _____

DATE: _____

Return to: Department of Environmental Quality
P.O. Box 900901
Helena, MT 59620-0901
Tel.: (406) 444-4626

FOR AGENCY USE

APPLICATION NUMBER									
DATE RECEIVED									
Year		Month				Day			

MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM
APPLICATION FOR PERMIT TO DISCHARGE - SHORT FORM C

RETURN TO: Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901
Tel: (406)444-2783

Please print or type.

1. Name, address, location and telephone number of facility producing discharge:

A. Name: _____

B. Mailing Address:

1. Street Address _____

2. City _____ 3. County _____

4. State _____ 5. Zip Code _____

6. Telephone Number _____

C. Location of discharging facility:

1. Street or Section, Township, Range _____

2. City _____ 3. County _____

4. State _____ 5. Telephone Number _____

2. Number of Employees _____

3. Give a brief narrative description and provide a sketch map of your process or what your facility is:

4. Proposed handling of waste water: (check one)
- ☐ Complete retention or recycle with no discharge
- ☐ Discharge to municipal sewage system (specify municipality) _____
- ☐ Direct Discharge after treatment (specify type of treatment) _____
- _____
- ☐ Direct discharge with no treatment
5. What is the expected flow rate of your discharge: _____ gallons per minute.
6. When do you expect to begin discharge: _____
- Month Day Year
7. When do you expect to terminate discharge: _____
- Month Day Year
8. (a) check here if discharge occurs all year ☐, or
- (b) circle the month(s) discharge occurs:
- January February March April May June July August September October
- November December
- (c) circle number of days per week: 1. 1 2. 2-3 3. 4-5 4. 6-7
9. Circle number of separate discharge points: A. 1 B. 2 C. 3 D. 4 or more
10. Name of receiving water or waters: _____

I certify that I am familiar with the information contained in the application and that to the best of my knowledge and belief such information is true, complete and accurate.

Printed Name of Person Signing

Title

Signature of Applicant

Date Applicant Signed

Subsection (6) of Section 69-4823 provides that any person who knowingly makes a false statement, representation, or certification on this application shall, upon conviction, be subject to a fine of not more than \$10,000 or by imprisonment for not more than six (6) months, or both.

**SUPPLEMENTAL INFORMATION REQUESTED
SHORT FORM C
(FOR DISCHARGES FROM CONSTRUCTION ACTIVITIES)**

1. Detailed description of the overall and specific construction activities from which any discharge(s) from a point source may occur.

2. Locaiton of the specific construction activities from which any discharge(s) from a point source may occur (locte by township, range, section and $\frac{1}{4}$ section).

3. Name of receiving watercourse.

4.
 - a.) Date that the contracts will be signed for the construction activities form which any discharge(s) may occur.

 - b.) Anticipated date of initiation of construction activities from which any discharge(s) may occur.

 - c.) Anticipated duration of construction activites from which any discharge(s) may occur.

5. Discuss in detail any actions (including wastewater control facilities) that are proposed to be taken to minimize the amount of pollutants in the discharge(s) and/or for amount of the discharge.

6. Is a discharge to the receiving watercourse necessary with this project?
- a.) Is it possible to irrigate the wastewater in the area and thereby eliminate any discharge to state waters?
 - b.) Is it possible to construct a settling pond in such a manner as to eliminate any discharge of wastewater to state waters?
7. Will the discharge(s) contain pollutants other than total suspended solids and turbidity? Explain:
8. Discuss all construction activities that may result in non-point sources of stream sedimentation (e.g., instream work with heavy equipment, dredging, channeling and excavations).

9. Describe the alternatives available for minimizing or eliminating each sediment source mentioned in item No. 8. Also, indicate the method(s) to be used to control sediment sources on this project.

FORM 1 GENERAL	 EPA	U.S. ENVIRONMENTAL PROTECTION AGENCY GENERAL INFORMATION <i>Consolidated Permits Program</i> <i>(Read the "General Instructions" before starting.)</i>	I. EPA I.D. NUMBER <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">F</td> <td style="width: 10%;">1</td> <td style="width: 10%;">2</td> <td style="width: 10%;">3</td> <td style="width: 10%;">4</td> <td style="width: 10%;">5</td> <td style="width: 10%;">6</td> <td style="width: 10%;">7</td> <td style="width: 10%;">8</td> <td style="width: 10%;">9</td> <td style="width: 10%;">10</td> <td style="width: 10%;">11</td> <td style="width: 10%;">12</td> <td style="width: 10%;">13</td> <td style="width: 10%;">14</td> <td style="width: 10%;">15</td> </tr> </table>	F	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15																																																																																																																																										
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II. POLLUTANT CHARACTERISTICS		GENERAL INSTRUCTIONS <p>If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete items I, III, V, and VI (except VI-B which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.</p>																																																																																																																																																											
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INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms.

SPECIFIC QUESTIONS	MARK "X"			SPECIFIC QUESTIONS	MARK "X"		
	YES	NO	FORM ATTACHED		YES	NO	FORM ATTACHED
A. Is this facility a publicly owned treatment works which results in a discharge to waters of the U.S.? (FORM 2A)				B. Does or will this facility (either existing or proposed) include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters of the U.S.? (FORM 2B)			
C. Is this a facility which currently results in discharges to waters of the U.S. other than those described in A or B above? (FORM 2C)				D. Is this a proposed facility (other than those described in A or B above) which will result in a discharge to waters of the U.S.? (FORM 2D)			
E. Does or will this facility treat, store, or dispose of hazardous wastes? (FORM 3)				F. Do you or will you inject at this facility industrial or municipal effluent below the lowermost stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)			
G. Do you or will you inject at this facility any produced water or other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)				H. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)			
I. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)				J. Is this facility a proposed stationary source which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)			

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

VII. SIC CODES (4-digit, in order of priority)

A. FIRST										B. SECOND									
7 (specify)										7 (specify)									
C. THIRD										D. FOURTH									
7 (specify)										7 (specify)									

VIII. OPERATOR INFORMATION

A. NAME										B. Is the name listed in Item VIII-A also the owner? <input type="checkbox"/> YES <input type="checkbox"/> NO									
C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box; if "Other", specify.)										D. PHONE (area code & no.)									
F = FEDERAL S = STATE P = PRIVATE M = PUBLIC (other than federal or state) O = OTHER (specify)										A (specify)									
E. STREET OR P.O. BOX																			
F. CITY OR TOWN										G. STATE H. ZIP CODE									
B										IX. INDIAN LAND Is the facility located on Indian lands? <input type="checkbox"/> YES <input type="checkbox"/> NO									

X. EXISTING ENVIRONMENTAL PERMITS

A. NPDES (Discharges to Surface Water)										D. PSD (Air Emissions from Proposed Sources)									
9 N										9 P									
B. UIC (Underground Injection of Fluids)										E. OTHER (specify)									
9 U										9 (specify)									
C. RCRA (Hazardous Wastes)										E. OTHER (specify)									
9 R										9 (specify)									

XI. MAP

Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in the map area. See instructions for precise requirements.

XII. NATURE OF BUSINESS (provide a brief description)

XIII. CERTIFICATION (see instructions)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME & OFFICIAL TITLE (type or print)										B. SIGNATURE										C. DATE SIGNED									
COMMENTS FOR OFFICIAL USE ONLY																													

C. Except for storm runoff, leaks, or spills, will any of the discharges described in item III-A be intermittent or seasonal?

☐ Yes (complete the following table) ☐ No (go to item IV)

Outfall Number	1. Frequency		2. Flow		
	a. Days Per Week (specify average)	b. Months Per Year (specify average)	a. Maximum Daily Flow Rate (in mgd)	b. Maximum Total Volume (specify with units)	c. Duration (in days)

If there is an applicable production-based effluent guideline or NSPS, for each outfall list the estimated level of production (projection of actual production level, not design), expressed in the terms and units used in the applicable effluent guideline or NSPS, for each of the first 3 years of operation. If production is likely to vary, you may also submit alternative estimates (attach a separate sheet).

Year	a. Quantity Per Day	b. Units of Measure	c. Operation, Product, Material, etc. (specify)

EPA Form 3510-2D (Rev. 8-90) Page 3 of 5 CONTINUE ON REVERSE

CONTINUED FROM FRONT		EPA ID Number (copy from Item 1 of Form 1)	
<p>C. Use the space below to list any of the pollutants in Table 2D-3 of the instructions which you know or have reason to believe will be discharged from any outfall. For every pollutant you list, briefly describe the reasons you believe it will be present.</p>			
1. Pollutant		2. Reason for Discharge	
<p>VI. Engineering Report on Wastewater Treatment</p>			
<p>A. If there is any technical evaluation concerning your wastewater treatment, including engineering reports or pilot plant studies, check the appropriate box below.</p> <p style="text-align: center;"> <input type="checkbox"/> Report Available <input type="checkbox"/> No Report </p>			
<p>B. Provide the name and location of any existing plant(s) which, to the best of your knowledge, resembles this production facility with respect to production processes, wastewater constituents, or wastewater treatments.</p>			
Name		Location	

VII. Other Information (Optional)

Use the space below to expand upon any of the above questions or to bring to the attention of the reviewer any other information you feel should be considered in establishing permit limitations for the proposed facility. Attach additional sheets if necessary.

VIII. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

A. Name and Official Title (type or print)

B. Phone No.

C. Signature

D. Date Signed



Montana Department
of Transportation
ENVIRONMENTAL SERVICES

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Marc Racicot, Governor

KEYBOARD(DATE)

Roxann Lincoln
Montana Department Environmental Quality
Permitting and Compliance Division
P.O Box 200901
Helena, MT 59620-0901

Subject: KEYBOARD(PROJECT NAME)
KEYBOARD(PROJECT NUMBER)
Control No. KEYBOARD(CONTROL NUMBER)

Enclosed is the permit application to discharge storm water, two copies of the construction plans, topographic map of area, three copies of the erosion control plans, and supporting documentation for the subject project. This project is scheduled to be let to contract on KEYBOARD(LETTING DATE).

KEYBOARD(PROJECT DESCRIPTION & CONDITIONS)

Please review this package and communicate your comments to this office within thirty (30) days for consideration. If the Erosion Control Plan and MDT's portion of the application package is acceptable to you, please provide us with verification and the endorsed Erosion Control Plans. When the contractor has been selected and the permit is issued, please provide us with a copy of the MPDES Authorization to Discharge for our files and distribution to MDT personnel.

If you have any questions, comments, or concerns on the enclosed, please call Dave Leitheiser at 444-0805.

Joel M. Marshik, P.E., Manager
Environmental Services

JMM:KMH:DAL:ENV:ero-doc.mrg

Enclosures

cc: KEYBOARD(DISTRICT ADMINISTRATOR)
KEYBOARD(DISTRICT CONSTRUCTION ENG'R) w/attached ECP
Carl S. Peil, P.E. Preconstruction Engineer
Robert D. Tholt, P.E. Construction Engineer
Mark Wissinger, P.E., Supervisor Contract Plans Section
File

MONTANA DEPARTMENT OF TRANSPORTATION

**STORM WATER PERMIT APPLICATION
AND
EROSION CONTROL PLAN**

**(PROJECT NAME)
PROJECT NO.
CONTROL NUMBER**

**PREPARED BY:
MONTANA DEPARTMENT OF TRANSPORTATION
2701 PROSPECT AVENUE
P.O. BOX 201001
HELENA, MT 59620-1001**

DATE

PROJECT NUMBER
PROJECT NAME
CONTROL NUMBER
EROSION CONTROL PLAN PERMIT APPLICATION
CONTENTS

1. MPDES Permit Application
2. Construction Storm Water Erosion Control Plan
3. General Requirements
4. Summary Sheets
Sheet No. : Typical Sections
Sheet No. : Summaries
Sheet No. : Details
Sheet No. : Construction Plans
Sheet No. :
Sheet No. :
5. Plans with Erosion Control Practices located on
Sheets No.
6. Copy of the USGS Topographic Map for the project area

APPLICATION NUMBER									
DATE RECEIVED									
YEAR				MONTH			DAY		

MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM APPLICATION FOR A GENERAL PERMIT TO DISCHARGE STORM WATER ASSOCIATED WITH CONSTRUCTION ACTIVITY

RETURN TO:

Montana Department of Environmental Quality
Permitting and Compliance Division - P.O. Box 200901
Helena, MT 59620-0901

Please print or type:

1. Name and Address of Owner and Contractor:
MT Department of Transportation, PO Box 201001, Helena MT 59620-1001 - Owner

2. Construction Site Address if Different than No. 1:
Project Name:
Project Number:
Control Number:
3. Contact Person: _____
Telephone Number: _____
4. Describe the nature of the construction activity:
DESCRIPTION OF PROJECT ACTIVITY
5. Expected dates in which construction will begin and be completed:

6. Indicate the total area (acres) of the site and the area that will undergo excavation or soil disturbance during the lifespan of the project:
Total area that will undergo soil disturbance is approximately ACRES DISTURBED acres.

7. Site Location (Township, Range, Section, 1/4 Section)

SITE LOCATION

8. Name of receiving water:

NAME RECEIVING WATERS

If treated storm water will be discharged to a municipally owned storm sewer, a letter of authorization from the municipality must accompany this letter (letter attached).

No: _____ Yes: _____

9. Attach a Drainage or topographic map of the construction location which includes the location of nearby state waters.
10. Attach a detailed erosion control plan complete with maps and drawings. No land clearing or construction activities shall occur until the erosion control plan has been approved and implemented. This plan shall be submitted at least thirty (30) days to the start of construction.

I CERTIFY UNDER PENALTY OF THE LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.

Name of Contractor

MDT Representative

Title

Title

Signature

Signature

Date

Date

CONSTRUCTION STORM WATER EROSION CONTROL PLAN

A. Site description

1. Project name:
Project number:
Control Number:

2. Project Address:
Township, Range, Section:
TOWNSHIP, ETC

3. Owner and contractor name and address:

a. MDT, 2701 Prospect Ave., P.O. Box 201001, Helena MT 59620-1001

b. _____

4. Project description, purpose of project and types of soil disturbing activities:

DESCRIPTION OF PROJECT ACTIVITY

5. Name(s) of streams, rivers, wetlands, lakes, intermittent streams, ephemeral drainages, etc. near or adjacent to construction disturbance:

NAMES OF WATER RESOURCES

B. Controls

1. Temporary Stabilization Practices:

___slope roughening ___seeding ___runon diversion/control ___slope drains
___erosion mats ___ditch sediment traps ___dugout ditch basins ___gravel filter berms
___sediment control fence ___straw bales ___vegetative buffer strip
___runoff interception ditch ___inlet/outlet protection ___waterway protection
___water resource protection

Other Practices: OTHERS

2. Permanent Stabilization Practices: Provide the runoff coefficient if diversion structures and/or detention structures will be used.

___permanent seeding ___sod stabilization ___check dams
___vegetative buffer strips ___grassed waterways ___erosion control blankets
___drainage swales ___earth dikes ___pipe slope drain ___level spreader
___subsurface drain ___sediment traps ___drain inlet protection
___sediment basin/pond ___rock outlet protection ___terraced slopes
___retaining walls ___riprap

Other Practices: OTHERS

3. Storm water Management Controls:
___ wet ponds(s) or man-made wetland(s)
___ infiltration trench(es) or basin(s)
___ dry pond(s)
___ flow attenuation by use of vegetative waterways and natural depressions
(most highway projects)

Other Practices: OTHERS

4. Narrative sequence of major activities and time frames for each: (Contractor)
5. Waste disposal (list disposal methods for construction waste materials, hazardous waste and sanitary wastes): (Contractor)
6. Off site vehicle tracking: (Contractor)

C. Maintenance/Inspection Procedures

List the maintenance and inspection procedures to be conducted at the site and the person who will conduct the inspection. (Contractor)

D. Spill Prevention and Material Storage Practices

1. Materials Inventory - check those materials which will be present at the site during construction:
(Contractor)

☐ concrete ☐ detergents ☐ fertilizers ☐ pesticides ☐ paints
☐ fuel ☐ solvents ☐ metal studs ☐ lumber ☐ tar
☐ masonry blocks ☐ petroleum based products ☐ roofing shingles

List any other materials to be used or stored on site:

2. The following product specific storage practices will be followed on-site: (Contractor)
Petroleum and paint products:

Fertilizers and pesticides:

Hazardous materials:

Concrete truck waste-water disposal:

3. In addition to the good housekeeping and material management practices discussed in the previous sections of this plan, the following practices will be followed for spill prevention and clean-up: (Contractor)

4. Describe sand & gravel operations that will be used related to the project: (Contractor)

Attach a map of each sand & gravel operation and indicate the location of pits, stockpiled material, BMP's (if any) to control runoff, surface waters, and areas where chemicals or materials are stored.

5. Describe the temporary asphalt batch plant operation related to this project if a highway project. (Contractor)

Attach a site map for the asphalt batch plant and indicate the location of pits, stockpiles, surface waters, equipment for asphalt production, and chemicals or materials storage areas.

6. Attach a map of the site and indicate the location of erosion control practices to be used, storage location of various materials, stockpiles, cut and fill slopes, and state waters. (Contractor)

OWNER CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violation.

Owner

Date

CONTRACTOR CERTIFICATION

I certify under penalty of the law that I understand the terms and conditions of the general Montana Pollutant Discharge Elimination System (MPDES) permit that authorizes the storm water discharges associated with construction activity from the construction site identified as part of this certification. Further, by my signature, I understand that I am becoming a co-permittee, along with the owner(s) and other contractors and subcontractors signing such certifications, to the general MPDES permit for the storm water discharges associated with construction activity from the identified site. As a co-permittee, I understand that I, and my company, are legally required under the Clean Water Act, to ensure compliance with the terms and conditions of the storm water erosion control plan developed under the MPDES permit and the terms of the MPDES permit.

Contractor

Date

Responsible For

Contractor

Date

Responsible For

**(PROJECT NUMBER)
(PROJECT NAME)
CONTROL NUMBER
GENERAL REQUIREMENTS**

The Erosion Control Plan is the basic framework of a strategy to prevent or minimize erosion during construction activities. The following erosion control measures shall be conducted as a general approach or method to all construction activities in order to prevent or minimize erosion. Prior to construction, a detailed Erosion Control Plan complete with maps and drawings shall be submitted for approval to the Montana Department of Environmental Quality (MDEQ) Permitting and Compliance Division by Montana Department of Transportation (MDT) Environmental Services. No land clearing or construction activities shall occur until the erosion control plan has been approved. Best Management Practices (BMPs) must be implemented and maintained as specified in the MDT Highway Erosion Control Detail Drawings and comply with all provisions of the storm water discharge permit. These BMPs are not comprehensive and do not supersede MDT Standard Specifications or mandates and requirements specified by other authorized State and Federal agencies.

Reductions or removal of BMPs from the Erosion Control Plans must be requested in writing to the Construction Bureau and approved by the MDEQ Permitting and Compliance Division. Increases or addition of BMPs to the Erosion Control Plan to further protect water quality may be implemented as directed by the Engineer. The contractor shall comply with the requirements of the storm water permit. The contractor shall implement the erosion control plan and its general requirements.

Construction sequencing shall be conducted in such a manner to minimize erosion and sedimentation. Clearing and grubbing shall be minimized to the smallest practical area. Whenever possible, vegetative buffers strips shall be maintained between the toe of the fill slope and any water resource to the maximum extent possible. Grading should begin within 72 hours of removing topsoil or pioneering. Culvert installations should begin within 72 hours of clearing, grubbing or grading and must be completed as quickly as practical. If installation delays occur, additional erosion control measures will be required. Special concern must be given to slopes within close proximity to channel changes, embankment protection and culvert installations to assure that sediment is not released in the drainage.

Whenever possible stockpiled materials (topsoil, gravel, etc.) shall be placed a minimum of 30.5 meters (100 feet) from surface waters. Stockpiled materials placed less than 30.5 meters (100 feet) from surface waters shall be protected with BMPs selected by the contractor to prevent release of sediment to the surface water. Hazardous materials (fuel, paint, solvents, glues, asphalt materials, fertilizers, pesticides, etc.) shall be placed a minimum of 30.5 meters (100 feet) from surface waters. Whenever possible, these materials shall be stored in covered shelters where they do not come in contact with storm water. Whenever possible asphalt plant operations shall be located a minimum of 30.5 meters (100 feet) from surface waters. Asphalt plant operations located within 30.5 meters (100 feet) from surface water shall be adequately protected with BMPs selected by the contractor.

Temporary erosion controls BMPs shall be installed prior to disturbing soils when constructing fill slopes and as soil disturbing activities are conducted in the case of cut slope protection, ditch bottom protection, and inlet/outlet protection. Permanent erosion controls specified in the bid documents such as riprap for embankment protection or pipe inlet/outlet protection, or slope drains shall be installed prior to or in conjunction with the associated earth-disturbing activities. This serves as both a temporary and permanent erosion control measure.

Best Management Practices (BMPs) shall be inspected at least once every seven days and within 24 hours of a storm event that results in runoff. BMPs shall be maintained and repaired, as necessary, to remain in compliance with their intended function and capacity as specified in the Erosion Control Plan and all provisions of the storm water discharge permit.

ADDITIONAL REQUIREMENTS (IF ANY)

FOR AGENCY USE									
APPLICATION NUMBER									
DATE RECEIVED									
Year			Month				Day		

**MONTANA POLLUTANT DISCHARGE
ELIMINATION SYSTEM APPLICATION
FOR A GENERAL PERMIT TO DISCHARGE STORM WATER
ASSOCIATED WITH MINING ACTIVITY**

Return to: Montana Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901
Tel: (406) 444-2406

Please print or type:

- Name and Address of Owner/Operator

- Mine Site Address if Different than No. 1:

- Contact Person: _____
Telephone Number: _____
- Describe the nature of the mining activity (active, inactive or abandoned site; commodity mined; adit, pit or shaft, etc.)

- Indicate the total area (acres) of the site and the area that will undergo excavation or soil disturbance during the lifespan of the project: _____

- Site Location (Township, Range, Section, 1/4 Section): _____
Latitude/Longitude (nearest 15 seconds): _____
Is there a processing plant located at the site? No _____ Yes _____ If
yes, please list materials and/or products exposed to storm water
which may cause pollution: _____

Please attach a site map and a topographic map with drainage patterns indicated.

7. Describe the current or planned best management practices (BMPs) to be used at the mine and/or plant to control pollutants to storm water runoff: _____

8. Describe the planned BMPs to control pollutants in storm water after mining is complete: _____

9. Name of receiving water: _____
The number of discharge points for the mine: _____
The expected flow rate of discharge(s) assuming 2-yr./24-hr. event: _____
If new discharge, when is it expected to be on or about _____
(mo/day/yr): _____

I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.

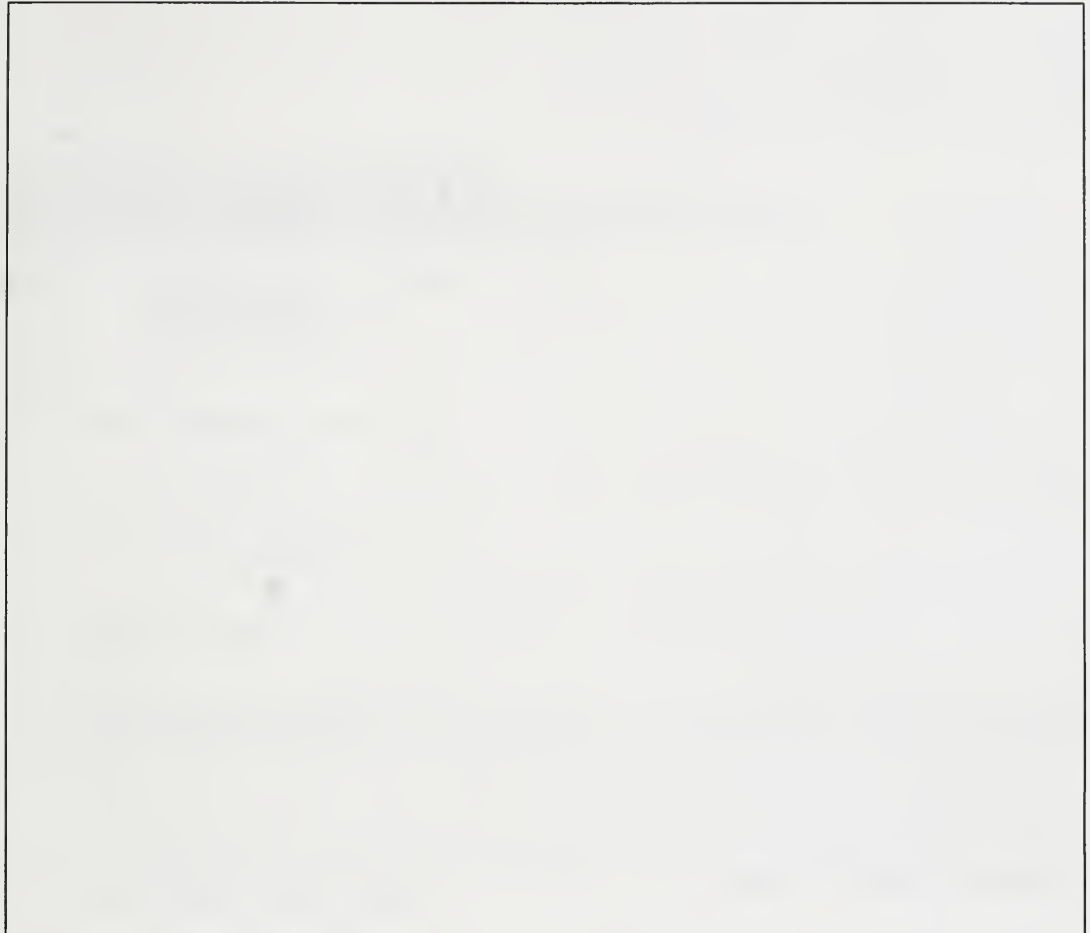
Name of Owner

Title

Signature

Date

SITE MAP



Map Information TYPE _____ NUMBER _____ SCALE _____	Department of Environmental Quality FACILITY _____ COUNTY _____		
	DATE _____	DRAWN _____	CHECKED _____

APPLICATION NUMBER									
DATE RECEIVED									
Year			Month				Day		

MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM APPLICATION FOR A GENERAL PERMIT TO DISCHARGE STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITY

Return to: Montana Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901
Tel: (406) 444-2406

Please print or type:

- Name and Address of Owner/Operator _____

- Mine Site Address if Different than No. 1: _____

- Facility Contact Person: _____
Telephone Number: _____
- SIC Code: _____ Type of Business: _____ Number of Employees: _____
Types of Industrial Activities at Facility: _____
Types of Materials Handled and/or Stored Outdoors: _____
- Other Permits Currently in Force for the Facility: _____

- Site Location (Township, Range, Section, ¼ Section): _____
Size of Facility (acres or sq. feet): _____ Please attach a site map and a topographic
map with drainage patterns indicated.
- Name of the closest surface water: _____
Where does storm water discharge to?
*Municipal Storm Sewer System? No _____ Yes _____ Name: _____
*Surface Water Body? No _____ Yes _____ Name: _____
*Other (be specific): _____
- Has any storm water quality analytical data been collected? No _____ Yes _____ (if yes, please attach)
- Describe any storm water treatment or best management practices (BMPs) in use: _____

- The number of discharge points at your facility: _____
The expected flow rate of discharge(s) assuming 2 yr/24 hr event: _____ gpm.
The depth to groundwater at the site: _____

11. Briefly describe the various activities which take place at the site which may contribute to the contamination of storm water: _____

12. The NPDES industrial storm water regulations (40 CFR) require certification that all storm water outfalls associated with industrial activities have been evaluated for the presence of non-storm water discharges not otherwise covered by an NPDES Permit. Your signature on this application provides that certification. Please describe the method used to evaluate for the presence of non-storm water discharges: _____

13. Have any leaks or spills or other instances of storm water contamination occurred at the facility within the last three (3) years? No _____ Yes _____ (If yes, please explain size, etc.) _____

14. Please indicate the following items on the attached site map:
- | | |
|--|--|
| Location of storm water outfalls. | Outline of drainage areas served by each outfall. |
| Runoff conveyance structures - storm sewer, ditch, or drainage area. | Location of impervious surfaces.
Facility buildings and property lines. |
| Areas where activities are, or have been conducted, material stored, or spills have occurred which could affect storm water quality. | |

I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.

 Name of Owner

 Title

 Signature

 Date

SITE MAP



<p>Map Information</p> <p>TYPE _____</p> <p>NUMBER _____</p> <p>SCALE _____</p>	<p>Department of Environmental Quality</p> <p>FACILITY _____</p> <p>COUNTY _____</p>		
	<p>DATE</p>	<p>DRAWN</p>	<p>CHECKED</p>

NPDES
FORMUnited States Environmental Protection Agency
Washington, DC 20460

Notice of Intent (NOI) for Storm Water Discharges Associated with Industrial Activity Under the NPDES General Permit

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form intends to be authorized by a NPDES permit issued for storm water discharges associated with industrial activity in the State identified in Section II of this form. Becoming a permittee obligates such discharger to comply with the terms and conditions of the permit. ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM.

I. Facility Operator Information

Name: _____ Phone: _____
Address: _____ Status of Owner/Operator: ☐
City: _____ State: _____ ZIP Code: _____

II. Facility/Site Location Information

Name: _____ Is the Facility Located on Indian Lands? (Y or N) ☐
Address: _____
City: _____ State: _____ ZIP Code: _____
Latitude: _____ Longitude: _____ Quarter: _____ Section: _____ Township: _____ Range: _____

III. Site Activity Information

MS4 Operator Name: _____
Receiving Water Body: _____
If You are Filing as a Co-permittee, Enter Storm Water General Permit Number: _____ Are There Existing Quantitative Data? (Y or N) ☐ Is the Facility Required to Submit Monitoring Data? (1, 2, or 3) ☐
SIC or Designated Activity Code: Primary: _____ 2nd: _____ 3rd: _____ 4th: _____
If This Facility is a Member of a Group Application, Enter Group Application Number: _____
If You Have Other Existing NPDES Permits, Enter Permit Numbers: _____

IV. Additional Information Required for Construction Activities Only

Project Start Date: _____ Completion Date: _____
Estimated Area to be Disturbed (in Acres): _____ Is the Storm Water Pollution Prevention Plan in Compliance with State and/or Local Sediment and Erosion Plans? (Y or N) ☐

V. Certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Name: _____ Date: _____
Signature: _____



Who Must File A Notice Of Intent (NOI) Form

Federal law at 40 CFR Part 122 prohibits point source discharges of storm water associated with industrial activity to a water body(ies) of the U.S. without a National Pollutant Discharge Elimination System (NPDES) permit. The operator of an industrial activity that has such a storm water discharge must submit a NOI to obtain coverage under the NPDES Storm Water General Permit. If you have questions about whether you need a permit under the NPDES Storm Water program, or if you need information as to whether a particular program is administered by EPA or a state agency, contact the Storm Water Hotline at (703) 821-4823.

Where To File NOI Form

NOIs must be sent to the following address:

Storm Water Notice of Intent
P.O. Box 1215
Newington, VA 22122

Completing The Form

You must type or print, using upper-case letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions on this form, call the Storm Water Hotline at (703) 821-4823.

Section I Facility Operator Information

Give the legal name of the person, firm, public organization, or any other entity that operates the facility or site described in this application. The name of the operator may or may not be the same as the name of the facility. The responsible party is the legal entity that controls the facility's operation, rather than the plant or site manager. Do not use a colloquial name. Enter the complete address and telephone number of the operator.

Enter the appropriate letter to indicate the legal status of the operator of the facility.

F = Federal
state) S = State
M = Public (other than federal or
P = Private

Section II Facility/Site Location Information

Enter the facility's or site's official or legal name and complete street address, including city, state, and ZIP code. If the facility or site lacks a street address, indicate the state, the latitude and longitude of the facility to the nearest 15 seconds, or the quarter, section, township, and range (to the nearest quarter section) of the approximate center of the site.

Indicate whether the facility is located on Indian lands.

Section III Site Activity Information

If the storm water discharges to a municipal separate storm sewer system (MS4) enter the name of the operator of the MS4. (A MS4 is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains that is owned or operated by a state, city, town, borough, county, parish, district, association, or other public body which is designed or used for collecting or conveying storm water.)

If the facility discharges storm water directly to receiving water(s), enter the name of the receiving water.

If you are filing as a co-permittee and a storm water general permit number has been issued, enter that number in the space provided.

Indicate whether or not the owner or operator of the facility has existing quantitative data that representative the characteristics and concentration of pollutants in storm water discharges.

Indicate whether the facility is required to submit monitoring data by entering one of the following:

- 1 = Not required to submit monitoring data.
- 2 = Required to submit monitoring data.
- 3 = Not required to submit monitoring data; submitting certification for monitoring exclusion

Those facilities that must submit monitoring data (e.g. choice 2) are: Section 313 EPCRA facilities; primary metal industries; land disposal units/incinerators/BIFs; wood treatment facilities; facilities with coal pile runoff; and battery reclaimers.

List, in descending order of significance, up to four 4-digit standard industrial classification (SIC) codes that best describe the principal products or services provided at the facility or site identified in Section II of this application.

For industrial activities defined in 40 CFR 122.26(b)(14)(i)-(xi) that do not have SIC codes that accurately describe the principal products produced or services provided, the following 2-character codes are to be used:

- HZ = Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of RCRA [40 CFR 122.26(b)(14)(iv)].
- LF = Landfills, land application sites, and open dumps that receive or have received any industrial wastes, including those that are subject to regulation under subtitle D of RCRA [40 CFR 122.26(b)(14)(v)].
- SE = Steam electric power generating facilities, including coal handling sites [40 CFR 122.26(b)(14)(vii)].
- TW = Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage [40 CFR 122.26(b)(14)(ix)]; or
- CO = Construction activities [40 CFR 122.26(b)(14)(x)].

If the facility listed in Section II has participated in Part I of an approved storm water group application and a group number has been assigned, enter the group application number in the space provided.

If there are other NPDES permits presently issued for the facility or site listed in Section II, list the permit numbers. If an application for the facility has been submitted but no permit number has been assigned, enter the application number.

Section IV Additional Information Required for Construction Activities Only

Construction activities must complete Section IV in addition to Sections I through III. Only construction activities need to complete Section IV.

Enter the project start date and the estimated completion date for the entire development plan.

Provide an estimate of the total number of acres of the site in which soil will be disturbed (round to the nearest acre).

Indicate whether the storm water pollution prevention plan for the site is in compliance with approved state and/or local sediment and erosion plans, permits, or storm water management plans.

Section V Certification

Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a Corporation by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship by a general partner or the proprietor; or

For a municipality, state, Federal, or other public facility by either a principal executive officer or ranking elected official.

Paperwork Reduction Act Notice

Public reporting burden for this application is estimated to average 0.5 hours per application, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DDC 20460, or Director, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

NPDES
FORMUnited States Environmental Protection Agency
Washington, DC 20460Notice of Termination (NOT) of Coverage Under the NPDES General Permit
for Storm Water Discharges Associated with Industrial Activity

Submission of this Notice of Termination constitutes notice that the party identified in Section II of this form is no longer authorized to discharge storm water associated with industrial activity under the NPDES program. ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM.

I. Permit Information

NPDES Storm Water
General Permit Number: _____Check Here if You are No Longer
the Operator of the Facility: ☐Check Here if the Storm Water
Discharge is Being Terminated: ☐

II. Facility Operator Information

Name: _____ Phone: _____

Address: _____

City: _____ State: _____ ZIP Code: _____

III. Facility/Site Location Information

Name: _____

Address: _____

City: _____ State: _____ ZIP Code: _____

Latitude: _____ Longitude: _____ Quarter: _____ Section: _____ Township: _____ Range: _____

IV. Certification: I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that are authorized by a NPDES general permit have been eliminated or that I am no longer the operator of the facility or construction site. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge storm water associated with industrial activity under this general permit, and that discharging pollutants in storm water associated with industrial activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the Clean Water Act.

Print Name: _____ Date: _____

Signature: _____

Instructions for Completing Notice of Termination (NOT) Form

Who May File a Notice of Termination (NOT) Form

Permittees who are presently covered under the EPA issued National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activity may submit a Notice of Termination (NOT) form when their facilities no longer have any storm water discharges associated with industrial activity as defined in the storm water regulations at 40 CFR 122.26 (b)(14), or when they are no longer the operator of the facilities.

For construction activities, elimination of all storm water discharges associated with industrial activity occurs when disturbed soils at the construction site have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time, or that all storm water discharges associated with industrial activity from the construction site that are authorized by a NPDES general permit have otherwise been eliminated. Final stabilization means that all soil-disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 70% of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures (such as the use of nrap, gabions, or geotextiles) have been employed.

Where to File NOT Form

Send this form to the following address:

Storm Water Notice of Termination
P.O. Box 1185
Newington, VA 22122

Completing the Form

Type or print, using upper-case letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use only one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions about this form, call the Storm Water Hotline at (703) 821-4823.

PLEASE SEE REVERSE OF THIS FORM FOR FURTHER INSTRUCTIONS

APPENDIX "B"

Instructions - EPA Form 3510-7 Notice of Termination (NOT) of Coverage Under the NPDES General Permit for Storm Water Discharge

Section I Permit Information

Enter the existing NPDES Storm Water General Permit number assigned to the facility or site identified in Section III. If you do not know the permit number, contact the Storm Water Hotline at (703)821-4823.

Indicate your reason for submitting this Notice of Termination by checking the appropriate box.

If there has been a change of operator and you are no longer the operator of the facility or site identified in Section III, check the corresponding box.

If all storm water discharges at the facility or site identified in Section III have been terminated, check the corresponding box.

Section II Facility Operator Information

Give the legal name of the person, firm, public organization, or any other entity that operates the facility or site described in this application. The name of the operator may or may not be the same name as the facility. The operator of the facility is the legal entity which controls the facility's operation, rather than the plant or site manager. Do not use a colloquial name. Enter the complete address and telephone number of the operator.

Section III Facility/Site Location Information

Enter the facility's or site's official or legal name and complete address, including city, state and ZIP code. If the facility lacks a street address, indicate the state, the latitude and longitude of the facility to the nearest 15 seconds, or the quarter, section, township, and range (to the nearest quarter) of the approximate center of the site.

Section IV Certification

Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows.

For a corporation, by a responsible corporate officer, which means (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars). If authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship, by a general partner or the proprietor, or

For a municipality, State, Federal, or other public facility, by either a principal executive officer or ranking elected official.

Paperwork Reduction Act Notice

Public reporting burden for this application is estimated to average 0.5 hours per application, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, or Director, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in, or affecting, navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine Uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of information is voluntary. If information is not provided, however, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
--------------------	----------------------	------------------	-------------------------------

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required)
6. APPLICANT'S ADDRESS	9. AGENT'S ADDRESS
7. APPLICANT'S PHONE NOS. W/AREA CODE	10. AGENT'S PHONE NOS. W/AREA CODE
a. Residence b. Business	a. Residence b. Business

11. STATEMENT OF AUTHORIZATION

I hereby authorize _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application

APPLICANT'S SIGNATURE_____
DATE

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)

13. NAME OF WATER BODY, IF KNOWN (if applicable)

14. PROJECT STREET ADDRESS (if applicable)

15. LOCATION OF PROJECT

COUNTY_____
STATE

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)

17. DIRECTIONS TO THE SITE

18. NATURE OF ACTIVITY (Description of project, include all features)

19. PROJECT PURPOSE (Describe the reason or purpose of the project, see instructions)

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. REASON(S) FOR DISCHARGE

21. TYPE(S) OF MATERIAL BEING DISCHARGED AND THE AMOUNT OF EACH TYPE IN CUBIC YARDS

22. SURFACE AREA IN ACRES OF WETLANDS OR OTHER WATERS FILLED (see instructions)

23. IS ANY PORTION OF WORK ALREADY COMPLETE? YES _____ NO _____ IF YES, DESCRIBE THE COMPLETED WORK

24. ADDRESSES OF ADJOINING PROPERTY OWNERS, LESSEES, ETC., WHOSE PROPERTY ADJOINS THE WATER BODY (if more than can be entered here, please attach a supplemental list.)

25. LIST OF OTHER CERTIFICATIONS OR APPROVALS/DENIALS RECEIVED FROM OTHER FEDERAL, STATE OR LOCAL AGENCIES FOR WORK DESCRIBED IN THIS APPLICATION.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NO.	DATE APPLIED	DATE APPROVED	DATE DENIED
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*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in Block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsified, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

U.S. GPO:1994-520-478/82018

**APPLICATION FOR PERMIT TO TAKE AND REMOVE
FROM STATE LANDS**

NAME OF APPLICANT: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

TELEPHONE: _____

Application is hereby made on the following described land:

SECTION: _____ **TOWNSHIP:** _____ **RANGE:** _____

PART OF SECTION: $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$; $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$; $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$

****PLEASE BREAK DESCRIPTION INTO 10-ACRE PARCELS**

COUNTY: _____ ACRES INVOLVED _____

The total quantity of _____ needed at this time will be
_____ cubic yards, which will be taken and removed prior to

MONTH: _____ DAY: _____ YEAR: _____, and used for the purpose of _____

IT IS HEREBY explicitly agreed that Permittee will pay the set royalties.

DATED AT _____ THIS _____ DAY OF _____, 19____

APPLICANT SIGNATURE: _____

**NAVIGABLE WATERWAYS OWNED BY
THE STATE OF MONTANA AND ADMINISTERED BY
THE DEPARTMENT OF NATURAL RESOURCES & CONSERVATION
TRUST LAND MANAGEMENT DIVISION**

The State of Montana's authority to own the riverbeds of navigable waterways and the Department of Natural Resources & Conservation, Trust Land Management Division's authority to administer these riverbeds are referenced in the following:

1. Equal Footing Doctrine (1844)

Based on a U.S. Supreme Court decision (Pollard vs. Hagen U.S. 212) the original 13 states held ownership of navigable riverbeds consistent with English Law. The Supreme Court held that all new states would enter the Union under equal footing. Therefore, all of the states would own the lands beneath the navigable rivers and lakes.

2. MCA 70-16-201

Provides for state ownership from the low water mark to the low water mark on navigable water bodies.

3. MCA 70-1-202

Provides for state ownership of all land below the water of navigable lakes or streams.

4. MCA 77-1-102

all lands lying and being in and forming a part of the abandoned bed of any navigable stream or lake belongs to the State of Montana, for the School Trust.

5. MCA 70-18-203

Islands and accumulations of land formed in the beds of navigable streams belong to the State of Montana.

As new navigability data is discovered, the list of navigable waterways may be revised as required.

BIG HOLE RIVER

Based on historical documentation, the Big Hole River is commercially navigable from Steel Creek to Divide, Montana. Therefore, the state claims ownership of the Big Hole River between these two points.

BIG HORN RIVER

Based on historical documentation, the Big Horn River is commercially navigable from the Wyoming state line to its confluence with the Yellowstone River. Therefore, the state claims ownership of the Big Horn River between these two points.

BITTERROOT RIVER

Based on historical documentation, the Bitterroot River is commercially navigable from the confluence of its east and west forks to its confluence with the Clark Fork River. Therefore, the state claims ownership of the Bitterroot River between these two points.

BLACKFOOT RIVER

Based on historical documentation, the Blackfoot River is commercially navigable from Lincoln, Montana to its confluence with the Clark Fork River. Therefore, the state claims ownership of the Blackfoot River between these two points.

BOULDER RIVER (Tributary to the Yellowstone River)

Based on historical documentation, the Boulder River is commercially navigable from the northern township line of Township 6 South, Range 12 East, to its confluence with the Yellowstone River. The West Boulder River is commercially navigable from the southern line of Township 3 South, Range 11 East, to its confluence with the main stem of the Boulder River. Therefore, the state claims ownership of the Boulder River between these points.

BULL RIVER

Based on historical documentation, the Bull River is commercially navigable from a point south of Bull Lake to its confluence with the Clark Fork River. Therefore, the state claims ownership of the Bull River between these two points.

CLARK FORK RIVER

Based on historical documentation, the Clark Fork River is commercially navigable from Deer Lodge, Montana to the Idaho state line. Therefore, the state claims ownership of the Clark Fork River between these two points.

CLEARWATER RIVER

Based on historical documentation, the Clearwater River is commercially navigable from, and including, Seeley Lake, to its confluence with the Blackfoot River. Therefore, the state claims ownership to Seeley Lake and the Clearwater River between these two points.

DEARBORN RIVER

Based on historical documentation and court adjudication, the Dearborn River is commercially navigable from Highway 434 to its confluence with the Missouri River. Therefore, the state claims ownership of the Dearborn River between these two points.

DUPUYER CREEK

See "South Fork Dupuyer Creek."

FLATHEAD RIVER - MAIN STEM

Based on historical documentation, the main stem of the Flathead River is commercially navigable from the confluence of its north and middle forks to its confluence with the Clark Fork River. However, given Neman court case, the state does not claim any river ownership within the boundaries of the Flathead Indian Reservation at this time. Therefore, the state claims ownership of the main stem of the Flathead River from the western boundary of the Flathead Indian Reservation to its confluence with the Clark Fork River.

FLATHEAD RIVER - MIDDLE FORK

Based on historical documentation, the middle fork of the Flathead River is commercially navigable from three (3) miles above Nyack, Montana, to its confluence with the north fork of the Flathead River. Therefore, the state claims ownership of the middle fork of the Flathead River between these two points.

FLATHEAD RIVER - NORTH FORK

Based on historical documentation, the north fork of the Flathead River is commercially navigable from Logging Creek to its confluence with the main stem of the Flathead River. Therefore, the state claims ownership of the north fork of the Flathead River between these two points.

FLATHEAD RIVER - SOUTH FORK

Based on historical documentation, the south fork of the Flathead River is commercially navigable from the face of Hungry Horse Dam to the main stem of the Flathead River. Therefore, the state claims ownership of the south fork of the Flathead River between these two points.

FORTINE CREEK (Tributary to Tobacco River)

Based on historical documentation, Fortine Creek is commercially navigable from Swamp Creek to its confluence with the Tobacco River. Therefore, the state claims ownership of Fortine Creek between these two points.

GALLATIN RIVER

Based on historical documentation, the Gallatin River is commercially navigable from Taylor's Fork to Central Park, Montana. Therefore, the state claims ownership of the Gallatin River between these two points.

GRAVES CREEK (Tributary to Tobacco River)

Based on historical information and Departmental interpretation, Graves Creek is commercially navigable from where Graves Creek intersects the eastern township line of Township 35 North, Range 26 West, to its confluence with the Tobacco River. Therefore, the state claims ownership of Graves Creek between these two points.

JEFFERSON RIVER

Based on historical documentation, the Jefferson River is commercially navigable from its confluence of the Beaverhead and Ruby Rivers to the Jefferson's confluence with the Missouri River. Therefore, the state claims ownership of the Jefferson River between these two points.

KOOTENAI RIVER

Based on historical documentation, the Kootenai River is commercially navigable from the Canadian line to the Idaho state line. Therefore, the state claims ownership of the Kootenai River between these two points.

LOLO CREEK

Based on historical documentation, Lolo Creek is commercially navigable from the mouth of Tevis Creek to Lolo Creek's confluence with the Bitterroot River. Therefore, the state claims ownership of Lolo Creek between these two points.

MADISON RIVER

Based on historical documentation, the Madison River is commercially navigable from the confluence of its west fork to Varney, Montana. Therefore, the state claims ownership of the Madison River between these two points.

MARIAS RIVER

Based on historical documentation, the Marias River is commercially navigable from its confluence with the Missouri River to a point five miles upstream. Therefore, the state claims ownership of the Marias River between these two points.

MILK RIVER

Evidence submitted during a court case (1991-92) identified the Milk River as commercially navigable from Malta to its confluence with the Missouri River. Therefore, the State claims ownership of the Milk River between these two points.

MISSOURI RIVER

Based on historical documentation, the Missouri River is commercially navigable from its headwaters at Three Forks, Montana, to the North Dakota state line. Therefore, the state claims ownership of the Missouri River between these two points.

NINE MILE CREEK (Tributary to the Clark Fork River)

Based on historical documentation, Nine Mile Creek is commercially navigable from the southeast corner of Township 17 North, Range 24 West, to its confluence with the Clark Fork River. Therefore, the state claims ownership of Nine Mile Creek between these two points.

ROCK CREEK (Tributary of the Clark's Fork of the Yellowstone River)

Based on historical documentation, Rock Creek is commercially navigable from the main fork of Rock Creek to Red Lodge, Montana. Therefore, the state claims ownership of Rock Creek between these two points.

SHEEP CREEK (Tributary to Smith River)

Based on historical documentation, Sheep creek is commercially navigable from the mouth of Deadman Creek to its confluence with the Smith River. Therefore, the state claims ownership of Sheep Creek between these two points.

SMITH RIVER

Based on historical documentation, the Smith River is commercially navigable from the mouth of sheep Creek to its confluence with the Missouri River. Therefore, the state claims ownership of the Smith River between these two points.

SOUTH FORK DUPUYER CREEK (Tributary to Dupuyer Creek and Marias River)

Based on historical documentation, the south fork of Dupuyer Creek is commercially navigable from the basins above the canyon to the mouth of the canyon, a distance of approximately eight miles. Therefore, the state claims ownership of the south fork of Dupuyer Creek between these two points.

STILLWATER RIVER

Based on historical documentation, the Stillwater River is commercially navigable from upper Stillwater Lake to its confluence with the Flathead River. Therefore, the state claims ownership of the Stillwater river between these two points.

SUN RIVER

Based on historical documentation, the Sun River is commercially navigable from the confluence of the north and south forks of the Sun River to its confluence with the Missouri River. Therefore, the state claims ownership of the Sun River between these two points.

SWAN RIVER

Based on historical documentation, the Swan River is commercially navigable from and including Swan Lake to its confluence with Flathead Lake. Therefore, the state claims ownership of the Swan River between these two points.

TETON RIVER

Based on historical documentation, the Teton River is commercially navigable from the confluence of its north fork to its confluence with the Marias River. Therefore, the state claims ownership of the Teton River between these two points.

TOBACCO RIVER

Based on historical documentation, the Tobacco River is commercially navigable from the mouth of Graves Creek to its confluence with the Kootenai River. Therefore, the state claims ownership of the Tobacco River between these two points.

TONGUE RIVER

Based on historical documentation, the Tongue River is commercially navigable from the south line of Township 2 South, Range 44 East to its confluence with the Yellowstone River. Therefore, the state claims ownership of the Tongue River between these two points.

WHITEFISH RIVER

Based on historical documentation, the Whitefish River is commercially navigable from, and including, Whitefish Lake to its confluence with the Stillwater River. Therefore, the state claims ownership of the Whitefish River between these two points.

YAAK RIVER

Based on historical documentation, the Yaak River is commercially navigable from the mouth of Fourth of July Creek to its confluence with the Kootenai River. Therefore, the state claims ownership of the Yaak River.

YELLOWSTONE RIVER

Based on historical documentation, the Yellowstone River is commercially navigable from Emigrant Gulch at Emigrant, Montana, to the North Dakota state line. Therefore, the state claims ownership of the Yellowstone River between these two points.

LAND USE LICENSE APPLICATION

NAME OF APPLICANT _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

HOME PHONE _____ BUSINESS PHONE _____

Application is hereby made for access for the following purpose(s):
 Be specific and include map, if appropriate.

SECTION _____ TOWNSHIP _____ RANGE _____

PART OF SECTION _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ COUNTY _____

SECTION _____ TOWNSHIP _____ RANGE _____

PART OF SECTION _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ COUNTY _____

SECTION _____ TOWNSHIP _____ RANGE _____

PART OF SECTION _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ COUNTY _____
 DURATION (MONTH) _____ (DAY) _____ (YEAR) _____
 THROUGH (MONTH) _____ (DAY) _____ (YEAR) _____

 *

APPLICANT'S SIGNATURE _____ DATE _____

Mail completed form and \$25.00 application fee to the Area Office that handles the county the request is in. After an on-site inspection, the Area Manager will consider whether the access is in the best interest of the trust. All applications should be sent to the appropriate Area Offices for review. Enclosed is a listing of Area Offices and the counties they manage.

**DEPARTMENT OF NATURAL RESOURCES & CONSERVATION
TRUST LAND MANAGEMENT DIVISION CONTACTS**

COUNTIES			CENTRAL LAND OFFICE
Beaverhead Broadwater Cascade Gallatin Glacier	Jefferson Lewis & Clark Madison Meagher Park	Pondera Teton Toole	Attn: Trust Land Area Manager 8001 North Montana Avenue Helena, MT 59601 PH: 444-3633
COUNTIES			EASTERN LAND OFFICE
Carter Custer Dawson Fallon Powder River	Prairie Richland Rosebud Wibaux		Attn: Trust Land Area Manager P.O. Box 1794 Miles City, MT 59301-1794 PH: 232-2034
COUNTIES			NORTHEASTERN LAND OFFICE
Blaine Chouteau Daniels Fergus Garfield Golden Valley	Hill Judith Basin Liberty McCone Petroleum Phillips	Roosevelt Sheridan Valley Wheatland	Attn: Trust Land Area Manager P.O. Box 1021 Lewistown, MT 59457-1021 PH: 538-5989
COUNTIES			NORTHWESTERN LAND OFFICE
Flathead Lake Lincoln Sanders			Attn: Trust Land Area Manager 2250 Highway 93 North Kalispell, MT 59901 PH: 752-7994
COUNTIES			SOUTHERN LAND OFFICE
Big Horn Carbon Musselshell Stillwater	Sweet Grass Treasure Yellowstone		Attn: Trust Land Area Manager Airport Industrial Park - 1P9 Billings, MT 59105-1978 PH: 259-3264
COUNTIES			SOUTHWESTERN LAND OFFICE
Deer Lodge Granite Mineral Missoula	Powell Ravalli Silver Bow		Attn: Trust Land Area Manager 1401 - 27th Avenue Missoula, MT 59801-4733 PH: 542-4200

*APPLICATION FORM FOR LICENSING STRUCTURES AND IMPROVEMENTS
ON NAVIGABLE WATER BODIES*

APPLICANT NAME (PLEASE PRINT) _____

ADDRESS _____

PHONE NUMBER _____

Project Description (include materials to be used, type of structure, any associated structures, purpose, why needed, project map and location, etc.)

Adjacent Property Owners (Name, Address)

County _____ ¼ _____ Sec. _____ Twp. _____ Rge. _____

Nearest City/Town _____ Waterway _____ River Mile _____

Other permits applied for or received (i.e., 124, 310 or 404, if these permits have been received, or correspondence regarding fisheries concerns, water quality, seasonal restrictions, etc., please attach a copy to this application form). _____

Signature of Applicant _____ Date _____

APPLICATION FOR BENEFICIAL WATER USE PERMIT

(for groundwater in excess of 35 GPM or 10 Acre-Feet
per year and all surface water)

INSTRUCTIONS

Use one application for each source of supply or each development. Check all appropriate boxes and fill in each blank. If any question is not applicable, enter NA. If more space is needed, attach additional sheets.

A MAP MUST ACCOMPANY THIS APPLICATION AS INSTRUCTED UNDER TERM 11

Complete the application and submit it with the appropriate filing fee to the Water Resources Regional Office nearest you. Their addresses are listed on the back. The form will be returned if any of the pertinent information is incomplete.

FILING FEE - \$100.00

FOR DEPARTMENT USE ONLY

Application No. _____ Basin _____
 Priority Date _____, 19____
 Time _____ AM/PM
 Rec'd By _____
 Fee Rec'd _____
 Check No. _____
 Transmittal No. _____
 Refund _____

(Please type or print in ink)

1. NAME OF APPLICANT _____

Mailing Address _____

City _____ State _____ ZIP _____

Home Phone _____ Other Phone _____

2. SOURCE OF WATER SUPPLY

☐ Well

☐ Developed Spring

☐ Lake Name _____ Tributary to _____

☐ Stream Name _____ Tributary to _____

☐ Unnamed Source - Tributary to _____

☐ Closed Basin (A closed basin results when water drains into a depression, lake, etc., from which water escapes only by evaporation.)

3. POINT OF DIVERSION

 _____ 1/4 _____ 1/4 _____ 1/4 Section _____ TWP _____ N/S RGE _____ E/W County _____

Lot _____ Block _____ Tract No. _____ Subdivision Name _____

Government Lot _____

 _____ 1/4 _____ 1/4 _____ 1/4 Section _____ TWP _____ N/S RGE _____ E/W County _____

Lot _____ Block _____ Tract No. _____ Subdivision Name _____

Government Lot _____

4. MEANS OF DIVERSION

☐ Headgate

☐ Pump _____ Rated Capacity (GPM or CFS)

☐ Well _____ Depth in Feet

_____ Horsepower

☐ Pipeline _____ Size

_____ Lift in Feet

☐ Pit

☐ Other _____

MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION

P.O. Box 202301, Helena, Montana 59620-2301 444-6610

DNRC

5. **RESERVOIR** (See formulas below for computing capacity)

☐ A drainage device will be installed

☐ Existing Reservoir

☐ Proposed New or Enlarged Reservoir

☐ Reservoir will be located away from source

Capacity _____ Acre - Feet

Capacity _____ Acre - Feet

Location : _____ 1/4 _____ 1/4 _____ 1/4 Section _____ TWP _____ N/S RGE _____ E/W

PIT: Surface Area _____ x Maximum Depth _____ x 0.5 = _____ Acre - Feet
Acres Feet Capacity

DAM: Surface Area _____ x Maximum Depth _____ x 0.4 = _____ Acre - Feet
Acres at dam Feet Capacity

6. **PERIOD OF APPROPRIATION** (The period during the year when the water will be diverted, impounded, or withdrawn from the source.)

_____ to _____ Inclusive Each Year
Month/Day Month/Day

7. **PROPOSED BENEFICIAL USE**

☐ Domestic: Number of Families to be Supplied _____

☐ Stock: Maximum Number and Type _____

☐ Other: _____

☐ Irrigation: ☐ Sprinkler - Type _____ ☐ Contour Ditch ☐ Other _____

☐ Border Dike ☐ Water spreader/Spreader Dike _____

Crops to be grown: _____

If this water will be used on land already irrigate, indicate the water rights applicable to the existing irrigation.

Claim No. _____

Permit No. _____

Certificate No. _____ Other _____

8. **PLACE OF USE**

County _____ Subdivision Name _____

Irrigation

_____ Acres Lot _____ Block _____ 1/4 _____ 1/4 _____ 1/4 Section _____ TWP _____ N/S RGE _____ E/W N-S

_____ Acres Lot _____ Block _____ 1/4 _____ 1/4 _____ 1/4 Section _____ TWP _____ N/S RGE _____ E/W N-S

_____ Acres Lot _____ Block _____ 1/4 _____ 1/4 _____ 1/4 Section _____ TWP _____ N/S RGE _____ E/W N-S

_____ Acres Lot _____ Block _____ 1/4 _____ 1/4 _____ 1/4 Section _____ TWP _____ N/S RGE _____ E/W N-S

_____ Acres Lot _____ Block _____ 1/4 _____ 1/4 _____ 1/4 Section _____ TWP _____ N/S RGE _____ E/W N-S

_____ TOTAL ACRES

Non-Irrigation

Purpose of Use _____ if same as Point of Diversion, CHECK ☐

_____ 1/4 _____ 1/4 _____ 1/4 Section _____ TWP _____ N/S RGE _____ E/W County _____

Lot _____ Block _____ Tract No. _____ Government Lot _____

FOR DEPARTMENT USE ONLY

Application No. _____

Applicant's Last Name _____

SUPPLEMENT TO APPLICATION FOR BENEFICIAL WATER USE PERMIT

Criteria for Issuance of Permit

Section 85-2-311(1), MCA, provides the Department shall approve a water user permit for an appropriation of less than 5.5 cubic feet per second and 4,000 acre-feet of water if the applicant proves by substantial credible evidence the following criteria are met. To meet the substantial credible evidence standard, the applicant shall submit independent hydrologic or other evidence, including water supply data, field reports, and other information developed by the Department, the United States Geological Survey, or the United States Soil Conservation Service and other specific field studies, demonstrating the criteria are met.

A) Provide evidence to prove there is unappropriated water at the proposed point of diversion at the times and in the amount you seek to appropriate. Also, provide proof that the amount of water you requested is reasonably available during the period you intend to use it.

B) Provide evidence to prove your project will not adversely affect prior water rights or water reservations.

C) ____ YES ____ NO Do you have possessory interest or the written consent of the person with possessory interest in the proposed place of use?

It is your responsibility to obtain any necessary easement or right-of-way. If state or federal lands are involved, contact the appropriate agency since the water right may need to be applied for by them.

D) Describe the proposed means of diversion, construction, and operation of the diversion works you intend to use and provide evidence to prove the diversion, construction and operation are adequate.

PROJECT TIME LINE

Once you receive your permit, when will you begin construction? Also, provide a general time line for purchasing and installing equipment, the anticipated completion date, and a description of when and how much water will be put to beneficial use. *The completion date by which the diversion works will be operating and the permitted will be in use to the extent planned.*

NOTICE

Additional information is required (Section 85-2-310(4) and 85-2-311) if the proposed appropriation **exceeds** 5.5 cubic feet per second and 4,000 acre-feet of water or if the appropriation of water is for withdrawal and transportation of use outside the state.

9. AMOUNT OF WATER, PURPOSE OF USE (IRRIGATION, STOCK, DOMESTIC, OTHER), AND PERIOD OF USE

CFS			
GPM up to _____	for _____	from _____	to _____
Acre-Feet	Use	Month/Day	Month/Day
CFS			
GPM up to _____	for _____	from _____	to _____
Acre-Feet	Use	Month/Day	Month/Day
CFS			
GPM up to _____	for _____	from _____	to _____
Acre-Feet	Use	Month/Day	Month/Day

TOTAL AMOUNT REQUESTED _____ CFS
GPM UP TO _____ ACRE-FEET PER YEAR

10. PROPOSED COMPLETION PERIOD

_____ How many years will be needed to complete the project and put the water to use after the permit is received?
Years (NOTE: The water use must not begin until a permit is received.)

11. LOCATION MAP

A map showing the following items must accompany this application. An ASCS aerial photo or USGS topographic map may be used.

- | | | |
|---------------------------------|---|--|
| a.) Section Corners and Numbers | c.) Point of Diversion | e.) Location of Conveyance, Pipeline, etc. |
| b.) Township and Range Numbers | d.) Place of Use (Irrigated Acres, Stock Tanks, etc.) | |

12. REMARKS (Provide any additional information to explain the proposed appropriation.)

13. ARE YOU REPRESENTED BY COUNSEL? ☐ YES (complete the following)

☐ NO (go on to no. 14)

NAME OF COUNSEL _____
Mailing Address _____
City _____ State _____ ZIP _____
Phone _____

14. SIGNATURES

The applicant hereby affirms the statements appearing herein and on the attached supplements are to the best of the applicant's knowledge true and correct.

Applicant's Signature _____ Date _____
_____ Date _____

Subscribed and sworn before me this _____ day of _____, 19____

Notary's Signature _____

S eal

Notary for the State of _____

Residing at _____

My commission expires _____

WATER RESOURCES REGIONAL OFFICES

Billings

1537 Avenue D, Suite 121
Billings, MT 59102
Phone: 657-2105
Fax: 245-2094
In Montana: 1-800-370-7567
Serving Big Horn, Carbon, Carter, Custer,
Fallon, Powder River, Prairie, Rosebud,
Stillwater, Sweetgrass, Treasure and
Yellowstone Counties

Bozeman

601 Nickles Suite 2
Bozeman, MT 59715
Phone: 586-3136 or 586-3137
Serving: Gallatin, Madison, and Park
Counties

Glasgow

839 First Avenue South
P.O. Box 1269
Glasgow, MT 59230
Phone: 228-2561
Fax: 228-8706
Serving: Daniels, Dawson, Garfield,
McCone, Phillips, Richland, Roosevelt,
Sheridan, Valley and Wibaux Counties.

Havre

1708 West Second Street
P.O. Box 1828
Havre, MT 59501
Phone: 265-5516 or 265-2225
Fax: 265-2225
Serving: Blaine, Chouteau, Glacier,
Hill, Liberty, Pondera, Teton and
Toole Counties

Helena

1520 East Sixth Avenue
P.O. Box 202301
Helena, MT 59620-2301
Phone: 444-6695
Fax: 444-0533
Serving: Beaverhead, Broadwater,
Deer Lodge, Jefferson, Lewis and
Clark, Powell, and Silver Bow
Counties.

Kalispell

3220 Highway 93 South
P.O. Box 860
Kalispell, MT 59903-0860
Phone: 752-2288
Serving: Flathead, Lake, Lincoln and
Sanders Counties

Lewistown

311 West Janeaux
P.O. Box 438
Lewistown, MT 59457
Phone: 538-7459 or 538-7012
Serving: Cascade, Fergus, Golden,
Valley, Judith Basin, Meagher,
Musselshell, Petroleum and
Wheatland Counties

Missoula

Town & Country Shopping Center
1610 S 3rd Street W, Suite 103
P.O. Box 5004
Missoula, MT 59806
Phone: 721-4284
Serving: Granite, Mineral, Missoula,
and Ravalli Counties

For Mailing, Use Post Office Box Number

The best method of describing the land needed for the right-of-way in all such cases is to describe the centerline and give the width on each side.

Please locate the starting point of the proposed right-of-way by giving its distance and bearing from the nearest public survey monument in the same section; then give the bearing and distance of each course of the line; and locate the terminus in the same manner as the starting point; whenever the line intersects a quarter section line, locate the point of intersection in the same manner also.

The description given in the application will be copied into the right-of-way deed. It must be so definite and complete that from it the right-of-way may readily be located upon the ground without the plat.

If the right-of-way runs through an intervening tract which is *not state land*, it may be shown on the tracing or plat, but *must not* be included in the description in the application as this might result in errors in writing the deed.

No application should include land in more than one section. Show the acreage required for the right-of-way in each forty-acre tract of *State land* in the place provided in this blank.

The application must be signed by or for the applicant, and certified correct by the endorsement of the engineer. *Write the name of the applicant exactly the way it is to appear in the deed.*

TRACING OR PLAT. Tracings or plats must accompany the application. These tracings or plats should be so plain that anyone can readily ascertain the section, township and range and see what forty-acre tracts the right-of-way runs through. A scale of 1 inch to 400 feet is commonly used.

There must be two copies of the tracing or plat duly verified by the affidavit of the land surveyor who has prepared the same endorsed thereon. They must show the "quantity of land taken by the proposed highway or street or other easement from each forty-acre tract or government lot of State land over or through which it passes and also the amount of land remaining in each portion of such forty-acre tract or government lot." (Part of Section 77-2-102(2) Montana Code Annotated)

For the sake of reference other than State lands may be shown on the plat, but they should be indicated by different colors. *If the proposed right-of-way follows a river or railroad right-of-way or other right-of-way, such river or right-of-way should be shown and also the area of the intervening strip, if any.*

The affidavit of the surveyor or professional engineer to be endorsed on the tracing or plot should be substantially in the following form:

STATE OF MONTANA

SS.

County of _____

_____, being duly sworn says: That he/she is the _____ who made the survey of the right-of-way shown hereon; that the survey was correctly and accurately made; that the tracing or plat hereof is true and accurate and that it correctly shows the quantity of land required for the right-of-way in each forty-acre tract or government lot and also the amount of land remaining in each portion of such forty-acre tract or government lot.

Subscribed and sworn to before me this _____ day of _____, 19 _____

Notary Public for the State of Montana

Residing at _____
My Commission Expires _____

_____, Montana, _____, 19 _____

To the State Board of Land Commissioners
State of Montana
Helena, Montana:

Application is hereby made under the provisions of Section 77-2-101 through Section 77-2-107 of the Montana Codes Annotated, 1979 and Acts amendatory thereto by _____

for the right-of-way easement for _____

through _____, Section _____, Township _____, Range _____, County of _____

Duly verified tracings or plats in duplicate accompany this application and are made a part hereof. The tract or strip of land required for the said right-of-way is more particularly described as follows:

A tract or strip of land _____ feet wide, _____ feet on each side of a centerline described as follows:

DESCRIPTION

ACREAGE TAKEN FROM EACH FORTY OR GOVERNMENT LOT OF STATE LAND

NE $\frac{1}{4}$ NE $\frac{1}{4}$	_____ acres	Forwarded	_____ acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	_____ acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$	_____ acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	_____ acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$	_____ acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	_____ acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$	_____ acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$	_____ acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$	_____ acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$	_____ acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$	_____ acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	_____ acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	_____ acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	_____ acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	_____ acres
Forward	_____ acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$	_____ acres
		Total	_____ acres

Signature of Applicant _____
(as the same is to appear
in the deed)

By _____

Address _____

(SEAL)

LAND SURVEYOR

I, _____, the Land Surveyor who surveyed the right-of-way for which application is hereby made, do hereby certify that the description of the right-of-way as given in this application is accurate and correct in every particular according to the survey and that the acreage required for the right-of-way through each forty-acre tract under this petition is correctly is given.


















Dated at _____, this _____ day of _____, 19____



Address _____

EROSION CONTROL DETAIL DRAWINGS

The following Erosion Control Detail Drawings have been reviewed by the Montana Department of Transportation, Montana Department of Environmental Quality. These BMP's are not comprehensive as other innovative methods may perform the required function.

EROSION CONTROL SYMBOLS

BEST MANAGEMENT PRACTICE (BMP)	NAME	SYMBOL	DTL. DWG. NO.
SLOPE ROUGHENING	P-01		208-05
STEPPED SLOPE	P-02		208-07
TEMPORARY SEEDING	P-03		208-10
EROSION SEEDING	P-04		208-15
RUN-ON DIVERSION/CONTROL	P-05		208-20
SLOPE DRAINS	P-06		208-25
EROSION MAT	P-07		208-30
DITCH SEDIMENT TRAPS	R-01		208-35
DUGOUT DITCH BASIN	R-02		208-40
GRAVEL FILTER BERM	R-03		208-45
SEDIMENT CONTROL FENCE	R-04		208-50
STRAW BALE BARRIER	R-05		208-55
VEGETATIVE BUFFER STRIP	R-06		208-60
RUNOFF INTERCEPTION DITCH	R-07		208-65
PIPE INLET/OUT PROTECTION	R-08		208-70
WATERWAY PROTECTION	W-01		208-75
WATER RESOURCE PROTECTION	W-02		208-80

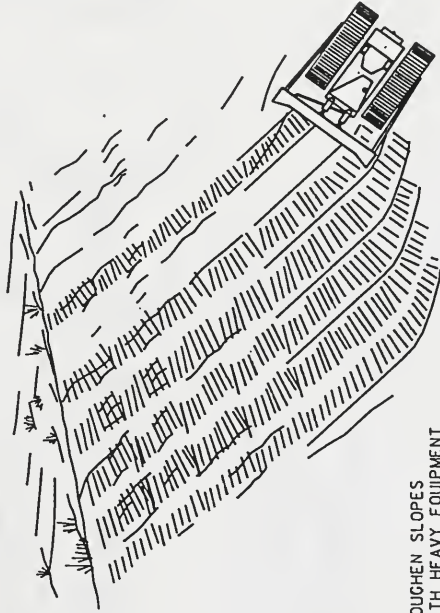
DETAILED DRAWING	
REFERENCE	DWG. NO.
STANDARD SPEC.	208-00
SECTION 208	
EROSION CONTROL SYMBOLS	
EFFECTIVE: AUGUST 1996	
 MONTANA DEPARTMENT OF TRANSPORTATION  MONTANA CADO	

SYMBOL: ———— SR ————

SLOPE ROUGHENING BMP P-01:

SLOPE ROUGHENING (SR) IS A VERY ROUGH SOIL SURFACE ON SLOPES RESULTING FROM CONSTRUCTION ACTIVITIES OR THE SYSTEMATIC ROUGHENING USING HEAVY EQUIPMENT TO CREATE RIDGES OR FURROWS PERPENDICULAR TO THE SLOPE. THE RIDGES OR FURROWS ARE TO BE EQUAL TO OR GREATER THAN TWO (2) INCHES IN HEIGHT AND NO FURTHER THAN TWICE THE HEIGHT OF THE RIDGE OR FURROW APART. SLOPE ROUGHENING IS THE BEST FIRST LINE OF DEFENSE TO CONTROL EROSION AND SEDIMENT RUNOFF. DEGREE OF SLOPE ROUGHENING IS DEPENDENT ON GRADES AND PROXIMITY TO WATER RESOURCES.

ALL SLOPES STEEPER THAN 3:1 AND GREATER THAN FIVE (5) VERTICAL FEET REQUIRE SLOPE ROUGHENING, EXCLUDING ROCK SLOPES THAT CANNOT BE EXCAVATED BY RIPPING. ROUGHEN DISTURBED SLOPES OR LEAVE IN A ROUGHENED CONDITION. APPROPRIATE SUPPLEMENTARY BMPs INCLUDE TEMPORARY SEEDING OR EROSION SEEDING. WHEN FILL SLOPES ARE WITHIN 50 FEET OF SURFACE WATER, SEDIMENT RETENTION BMPs ARE REQUIRED; EITHER SEDIMENT CONTROL FENCES OR RUNOFF INTERCEPTION DITCHES.



ROUGHEN SLOPES
WITH HEAVY EQUIPMENT
OR LEAVE IN ROUGHENED
CONDITION

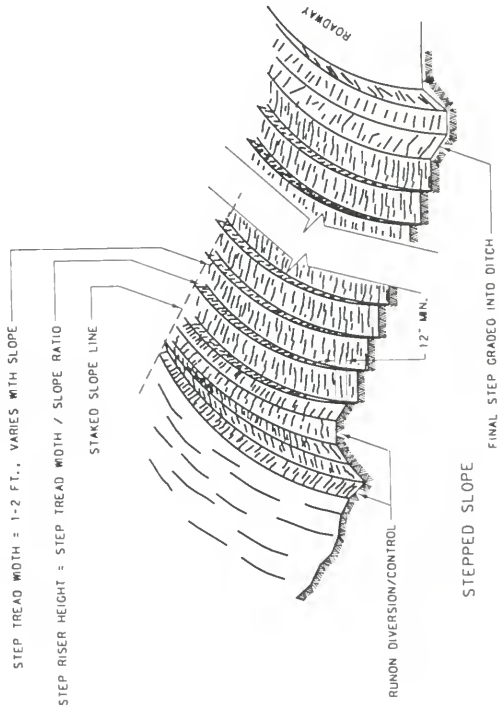
DETAILED DRAWING	OWG. NO.
REFERENCE	208-05
STANDARD SPEC.	
SECTION 208	
SLOPE ROUGHENING (P-01)	
EFFECTIVE AUGUST 1996	
MONTANA DEPARTMENT OF TRANSPORTATION	



STEPPED SLOPE BMP P-02¹

STEPPED SLOPE (SS) IS A VERY ROUGH SOIL SURFACE ON SLOPES WITH HORIZONTAL DEPRESSIONS/STAIR STEPPING CUTS OR TERRACES CREATED BY APPROPRIATE MACHINERY. THE USE OF THIS BMP IS TO BE DETERMINED BY THE ENGINEER.

WHEN POSSIBLE, HORIZONTALLY STEP ALL CUT SLOPES 2:1 AND STEEPER, EXCLUDING ROCK SLOPES THAT CANNOT BE EXCAVATED BY RIPPING. STEP SLOPES AT THE DISCRETION OF THE ENGINEER AND IN ACCORDANCE WITH MDT STANDARD SPECIFICATIONS 208 AND 203.03.1F.



DETAILED DRAWING	DWG. NO.
REFERENCE	208-07
STANDARD SPEC.	SECTION 208
STEPPED SLOPE	(P-02)
EFFECTIVE: AUGUST 1996	
MDT	MONTANA DEPARTMENT OF TRANSPORTATION

SYMBOL: 

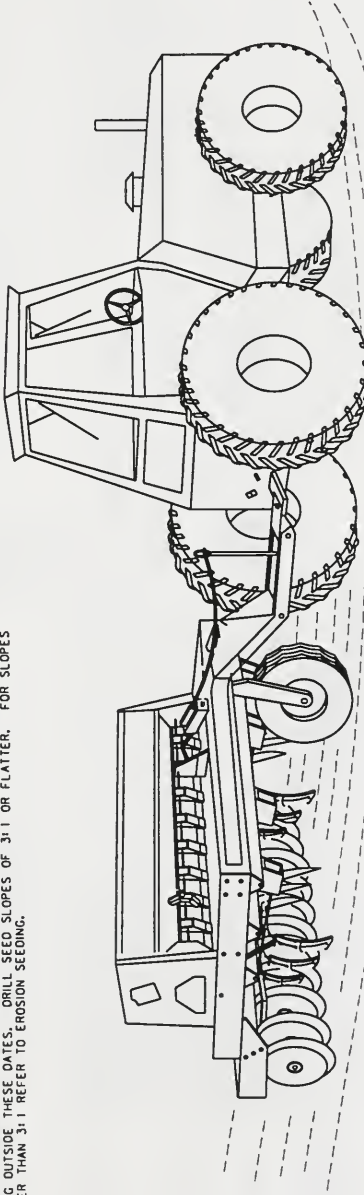
TEMPORARY SEEDING BMP P-031

TEMPORARY SEEDING (TS) IS THE ESTABLISHMENT OF A TEMPORARY VEGETATIVE COVER BY SEEDING WITH CEREAL BARLEY. USE TEMPORARY SEEDING ON AREAS 3:1 OR FLATTER THAT WILL BE EXPOSED FOR LONGER THAN 14 DAYS AND THAT WILL UNDERGO FURTHER DISTURBANCE, EXCLUDING ROCK SLOPES THAT CANNOT BE EXCAVATED BY RIPPING. USE TEMPORARY SEEDING WITH SLOPE ROUGHENING.

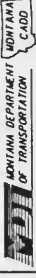
SEEDING DATES AND APPLICATION RATES ARE AS FOLLOWS:

APRIL 1 - JUNE 30: CEREAL BARLEY 12 LBS/ACRE
JULY 1 - AUGUST 31: TEMPORARY SEEDING NOT RECOMMENDED
SEPT. 1 - NOV. 15: CEREAL BARLEY 12 LBS/ACRE 100 NOT TEMPORARY SEED IN THIS TIMEFRAME IF THE AREA IS TO BE PERMANENTLY SEEDED THAT FALL

CONTACT THE MDT AGRONOMIST PRIOR TO USING SUBSTITUTIONS OR PLACING TEMPORARY SEEDING OUTSIDE THESE DATES. DRILL SEED SLOPES OF 3:1 OR FLATTER. FOR SLOPES STEEPER THAN 3:1 REFER TO EROSION SEEDING.



SLOPES 3:1 OR FLATTER

DETAILED DRAWING	DWG. NO.
REFERENCE STANDARD SPEC. SECTION 208	208-10
TEMPORARY SEEDING (P-03)	
EFFECTIVE: AUGUST 1996	
	

SYMBOL: 

EROSION SEEDING BMP P-04:

EROSION SEEDING (ES) IS THE IMMEDIATE SEEDING OF FRESHLY EXPOSED SLOPES. USE EROSION SEEDING ON CUT AND FILL SLOPES WITH A SLOPE OF STEEPER THAN 3:1 THAT WILL NOT UNDERGO FURTHER DISTURBANCE, EXCLUDING ROCK SLOPES THAT CANNOT BE EXCAVATED BY RIPPING. THIS SEEDING WILL NOT REPLACE OR SUBSTITUTE FOR FINAL SEEDING ACTIVITIES SPECIFIED IN THE SEEDING SPECIAL PROVISION.

SEED COMPLETED SECTIONS DAILY, REGARDLESS OF THE TIME OF YEAR. ACCOMPLISH SEEDING BY MANUAL BROADCASTING WITH A SHOULDER-HARNESSED SPREADER SEEDER OR ITS EQUIVALENT WITH NO MULCH OR FERTILIZER APPLIED. STORE THE RECOMMENDED SEED MIX ON-SITE PRIOR TO INITIATION OF SLOPE EXCAVATION. IF ONE OR MORE SPECIES IS UNAVAILABLE, CONTACT THE MOT AGRONOMIST FOR THE SUBSTITUTE. THE SEED MIX AND RATE OF APPLICATION ARE AS FOLLOWS:

DISTRICT	SPECIES	LB/ACRE PLS	IN ADDITION TO THE SEED MIX AND RATES SHOWN, ADD ONE OF THE FOLLOWING:
1 (MISSOULA)	PYROR OR REVENUE SLENDER WHEATGRASS	3	APRIL 1 - JUNE 15: CEREAL BARLEY 10 LB/ACRE JUNE 16 - SEPT. 1: CEREAL OATS 10 LB/ACRE
	SECAR BLUEBUNCH WHEATGRASS	5	
	CRITANA THICKSPINE WHEATGRASS	5	
	DURAR HARD FESCUE	2	
2, 3, 5 (BUTTE, GREAT FALLS, BILLINGS)	PYROR OR REVENUE SLENDER WHEATGRASS	3	IN ADDITION TO THE SEED MIX AND RATES SHOWN, ADD ONE OF THE FOLLOWING: APRIL 1 - JUNE 15: CEREAL BARLEY 10 LB/ACRE JUNE 16 - SEPT. 1: CEREAL OATS 10 LB/ACRE
	SECAR BLUEBUNCH WHEATGRASS	5	
	SODAR STREAMBANK WHEATGRASS	5	
	COVAR SHEEP FESCUE	2	
4 (GLENDALE)	PYROR SLENDER WHEATGRASS	3	IN ADDITION TO THE SEED MIX AND RATES SHOWN, ADD ONE OF THE FOLLOWING: APRIL 1 - JUNE 15: CEREAL BARLEY 10 LB/ACRE JUNE 16 - SEPT. 1: CEREAL OATS 10 LB/ACRE
	SECAR BLUEBUNCH WHEATGRASS	5	
	ROSANA WESTERN WHEATGRASS	5	
	LODORM GREEN NEEDLEGRASS	5	



SLOPES STEEPER THAN 3:1

DETAILED DRAWING	
REFERENCE STANDARD SPEC. SECTION 208	DWG. NO. 208-15
EROSION SEEDING (P-04)	
EFFECTIVE: AUGUST 1996	
MONTANA DEPARTMENT OF TRANSPORTATION	

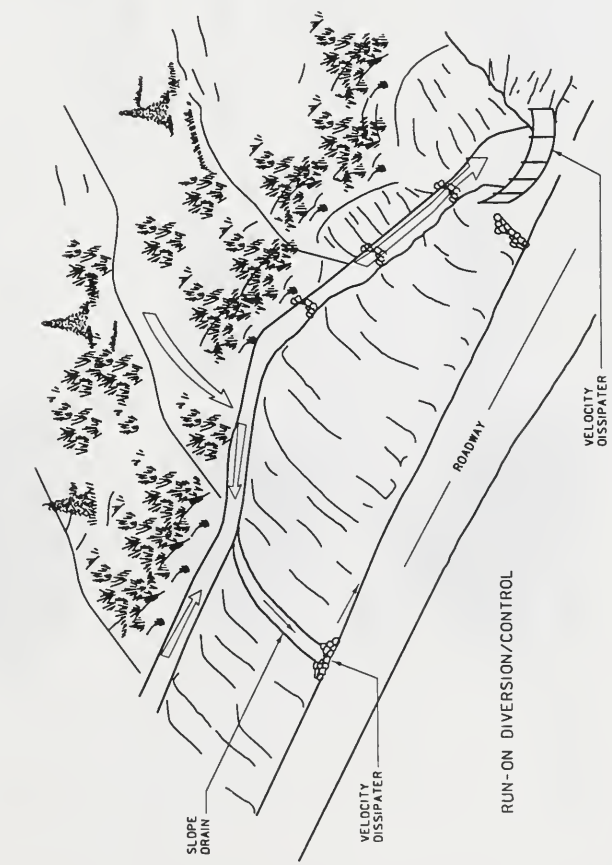
SYMBOL: 

RUN-ON DIVERSION/CONTROL BMP P-051

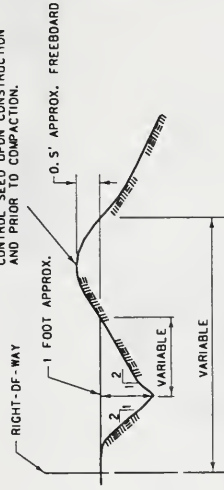
RUN-ON DIVERSION/CONTROL (RD) IS A BERM OF COMPACTED SOIL AND/OR A DITCH ON TOP OF CUT SLOPES TO INTERCEPT STORM WATER RUNOFF FROM THE ROADWAY. A BERM OR DITCH IS CONSTRUCTED ON THE INSIDE OF THE CUT SLOPE, ABOVE THE UNDERCUT, TO PREVENT EROSION AT THE STABILIZED OUTLET. IT IS DESIGNED TO BE USED ON CUT SLOPES 2:1 AND STEEPER, EXCLUDING ROCK SLOPES THAT CANNOT BE EXCAVATED BY RIPPING, OR THE TOP OF FILL SLOPES WHERE THERE IS POTENTIAL FOR ROAD BED RUNOFF. THIS BMP CAN BE USED ON FLATTER SLOPES AT THE DISCRETION OF THE ENGINEER.

CONSTRUCT RUN-ON DIVERSION/CONTROL STRUCTURES IN CONJUNCTION WITH PIONEERING PLANTING AND SEEDING OPERATIONS. IF IT IS TO REMAIN IN PLACE FOR LONGER THAN 15 DAYS IT REQUIRES EROSION SEED, GRAVEL OR RIPRAP.

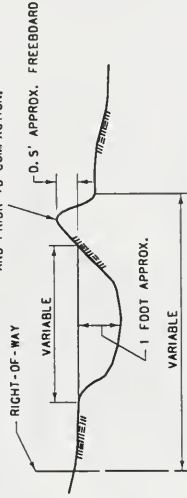
INSTALL SLOPE DRAINS WHERE NEEDED TO PREVENT CONCENTRATION OF WATER AND OVER-TOPPING OF BERM. PLACE VELOCITY DISSIPATORS AT THE TERMINUS OF DITCHES AND WHERE NEEDED. APPROPRIATE SURFACE TREATMENTS INCLUDE TEMPORARY SEEDING, EROSION SEEDING, SLOPE DRAINS OR DITCH SEDIMENT TRAPS.



DENSIFY TO THE SATISFACTION OF THE ENGINEER. EXCAVATION FROM CONTOUR DITCH MAY BE PLACED ON DOWNSLOPE SIDE AND SHAPED TO FORM A DIKE TO INCREASE THE DITCH CAPACITY. EROSION CONTROL SEED UPON CONSTRUCTION AND PRIOR TO COMPACTION.



EXCAVATION FROM CONTOUR DITCH MAY BE PLACED ON DOWNSLOPE SIDE AND SHAPED TO FORM A DIKE TO INCREASE THE DITCH CAPACITY. EROSION CONTROL SEED UPON CONSTRUCTION AND PRIOR TO COMPACTION.



DETAILED DRAWING

REFERENCE
MONTANA SPEC.
SECTION 208

DWG. NO.
208-20

RUN-ON DIVERSION/CONTROL
(P-05)

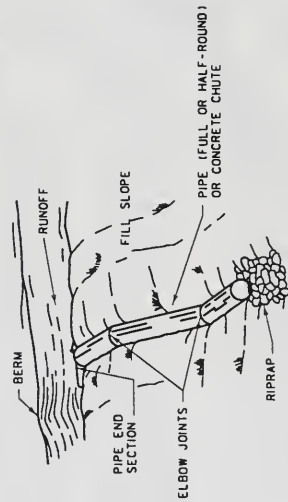
EFFECTIVE AUGUST 1996



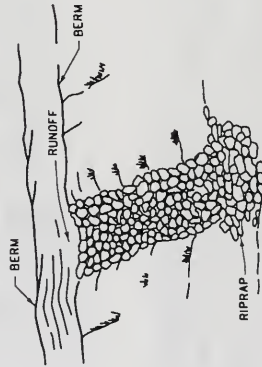
MONTANA
DEPARTMENT
OF TRANSPORTATION
CADD

SYMBOL: 

PIPE SLOPE DRAIN



RIPRAP SLOPE DRAIN

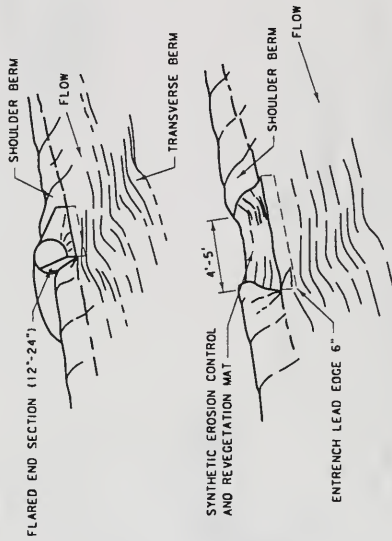


SLOPE DRAINS BMP P-061

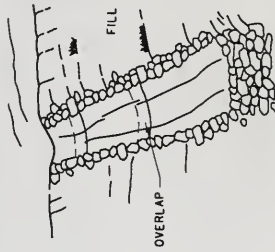
SLOPE DRAINS (SD) CONSIST OF A FLEXIBLE PIPE, RIGID PIPE, GEOTEXTILE-LINED CHANNEL OR RIPRAP-LINED CHANNEL. SLOPE DRAINS ARE USED WITH RUN-ON DIVERSION/CONTROLS OR ALONG THE 'DE OF FILL IN CUT TO FILL TRANSITIONS. SLOPE DRAINS EXTEND FROM THE COLLECTION POINT TO THE BOTTOM OF THE SLOPE AND DISCHARGE INTO A DRAINAGE CHANNEL OR A STABILIZED AREA (NOT STATE WATERS).

SLOPE DRAINS CONVEY CONCENTRATED RUNOFF DOWN UNPROTECTED CUT OR FILL SLOPES OR CUT/FILL TRANSITIONS WITHOUT CAUSING CULLIES, CHANNELS, OR SATURATION OF SLIDE-PRONE SOILS OF A CUT OR FILL SLOPE. DESIGN RIPRAP-LINED DITCHES ON A SITE-SPECIFIC BASIS. RIPRAP SIZE IS A FUNCTION OF EXPECTED WATER VELOCITY. APPROPRIATE SUPPLEMENTARY BMP'S INCLUDE VELOCITY REDUCTION AND SEDIMENT RETENTION BMP'S.

SLOPE DRAIN INLETS



DITCH LINER: SYNTHETIC EROSION CONTROL AND REVEGETATION MAT



DETAILED DRAWING
DWG. NO.
208-25
REFERENCE
STANDARD SPEC.
SECTION 208

SLOPE DRAINS
(P-061)

EFFECTIVE AUGUST 1996

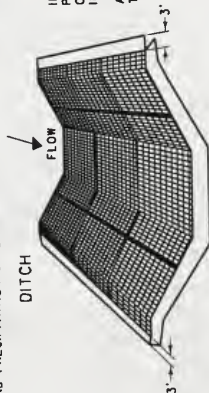
 MONTANA
DEPARTMENT
OF TRANSPORTATION
CLADD

SYMBOL: 

EROSION MAT BMP P-071

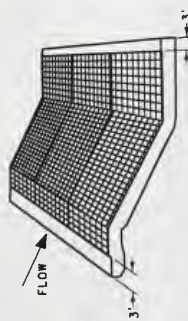
EROSION MAT (EM) IS A VEGETATIVE MULCH MATERIAL. JUTE MAT OR SYNTHETIC GEOMEMBRANE THAT MUST BE ANCHORED. EROSION MATS ARE USED TO PROTECT EXPOSED SOILS, ENHANCE PLANT ESTABLISHMENT OR LINE DITCH BOTTOMS.

LAP EROSION MATS AND ANCHOR ACCORDING TO THE MANUFACTURER'S SPECIFICATIONS. EROSION MATS ARE LIMITED TO 25 FEET TO PREVENT BRIDGING OF THE BLANKET ABOVE SETTLING SOILS. EXTEND THE TOP EDGE OF THE BLANKET AT LEAST 3 FEET BEYOND THE TOP OF THE SLOPE. EROSION MATS ARE REQUIRED WHEN THE MOST ERODIBLE CONDITIONS EXIST IN THE SOIL, SLOPE, SURFACE WATER AND PRECIPITATION CATEGORIES.



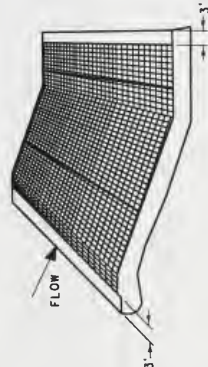
IN DITCHES, APPLY NETTING PARALLEL TO THE DIRECTION OF FLOW. DO NOT JOIN STRIPS IN THE CENTER OF THE DITCH. A SINGLE RUN MAY BE USED AT THE DISCRETION OF THE ENGINEER.

STEEP SLOPE



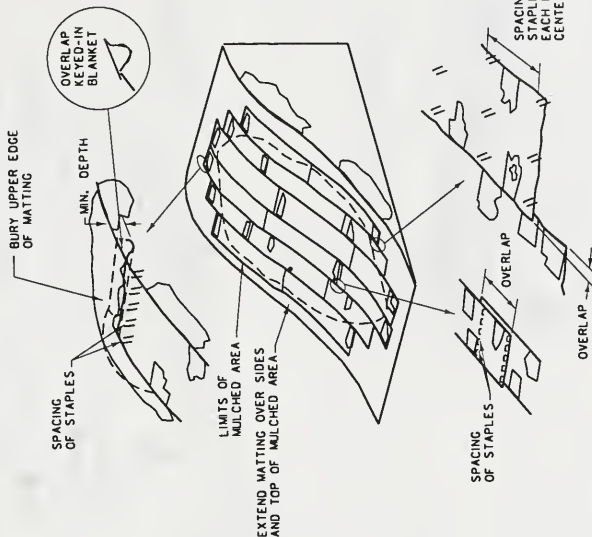
ON STEEP SLOPES, APPLY STRIPS OF NETTING PARALLEL TO THE DIRECTION OF FLOW AND ANCHOR SECURELY. (STEEPER THAN 3:1 OR ACCORDING TO MANUFACTURER'S SPECIFICATIONS)

SHALLOW SLOPE



ON SHALLOW SLOPES, APPLY STRIPS OF NETTING ACROSS THE SLOPE. (FLATTER OR ACCORDING TO MANUFACTURER'S SPECIFICATIONS)

INSTALL ACCORDING TO THE MANUFACTURER'S SPECIFICATIONS.



DETAILED DRAWING
REFERENCE
STANDARD SPEC.
SECTION 208

OWG. NO.
208-30

EROSION MAT
(P-071)

EFFECTIVE AUGUST 1996

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CADD

SYMBOL: 

DITCH SEDIMENT TRAPS BMP R-01:

DITCH SEDIMENT TRAPS (DT) IS TERMINOLOGY USED TO DESCRIBE THE SELECTION OF ONE OF FOUR TEMPORARY SEDIMENT BARRIERS USED AT INTERVALS ALONG A CONCENTRATED RUNOFF FLOW PATH. THE DESIGNER DETERMINES THE LOCATIONS REQUIRING DITCH SEDIMENT TRAPS AND THE PROPER INTERVALS AND THE ENGINEER DETERMINES WHICH TEMPORARY SEDIMENT BARRIER WILL BE USED. REFER TO DUGOUT DITCH BASINS, GRAVEL FILTER BERMS, SEDIMENT CONTROL FENCE AND EROSION MAT FOR INSTALLATIONS.

DITCH SEDIMENT TRAPS ARE USED FOR LONGITUDINAL ROADSIDE DITCHES IN A CUT SECTION OR AS LONGITUDINAL SEDIMENT RETENTION BASINS AT THE TOE OF FILLS. DITCH SEDIMENT TRAPS REDUCE RUNOFF VELOCITY AND PROMOTE SEDIMENT SETTLING. THE DISTANCE BETWEEN DITCH SEDIMENT TRAPS IS DEPENDENT ON THE LENGTH OF DITCH SECTION RELATING TO THE GRADE THAT NEEDS SEDIMENT RETENTION. THE INTERVAL IS AS FOLLOWS:

DT1 = 2X TO 3X

DUGOUT DITCH BASINS AT 300 FEET OR
GRAVEL FILTER BERMS AT 300 FEET OR
SEDIMENT CONTROL FENCES AT 500 FEET OR
EROSION MAT

DT2 = 3X TO 4X

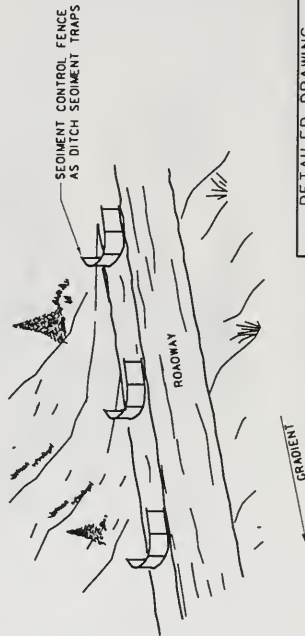
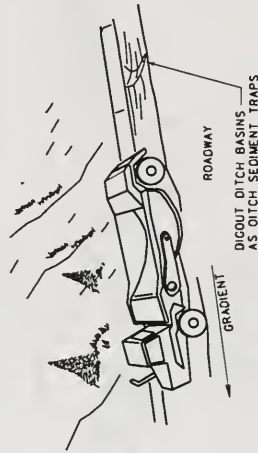
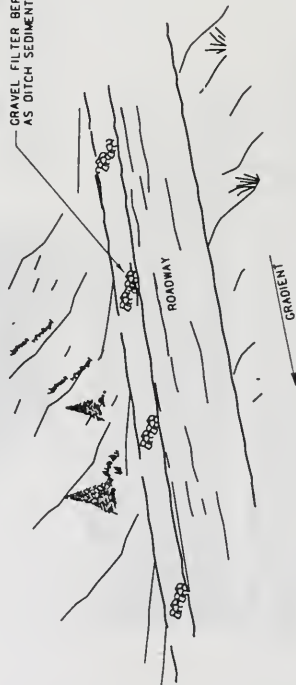
DUGOUT DITCH BASINS AT 150 FEET OR
GRAVEL FILTER BERMS AT 200 FEET OR
SEDIMENT CONTROL FENCES AT 300 FEET OR
EROSION MAT

DT3 = 4X +

DUGOUT DITCH BASINS AT 50 FEET OR
GRAVEL FILTER BERMS AT 100 FEET OR
SEDIMENT CONTROL FENCES AT 150 FEET OR
EROSION MAT

THESE VALUES ARE EMPIRICAL. THEY ARE THE MAXIMUM INTERVAL DISTANCES FOR A 2 YEAR, 24 HOUR RAIN EVENT. INTERVALS MAY BE SHORTENED AT THE DISCRETION OF THE ENGINEER IF SOIL CONDITIONS AND/OR PRECIPITATION INDICATE A NEED TO DO SO.

GRAVEL FILTER BERMS
AS DITCH SEDIMENT TRAPS



DETAILED DRAWING

REFERENCE
MONTANA SPEC.
SECTION 208

DWG. NO.
208-35

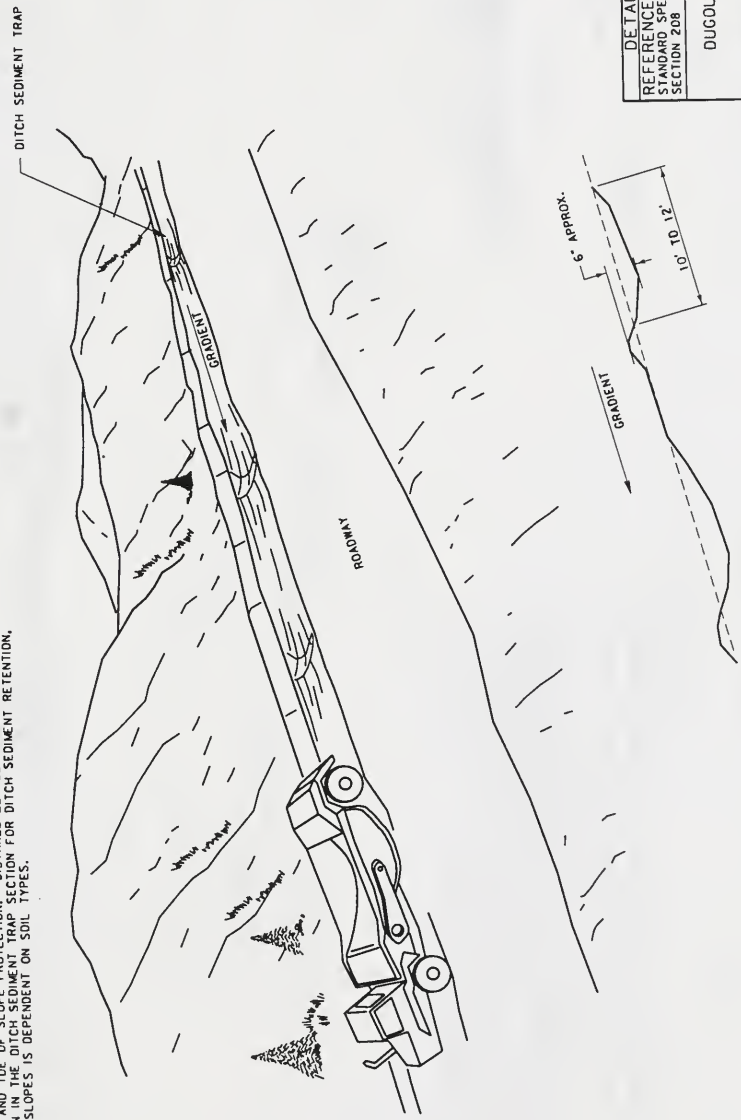
DITCH SEDIMENT TRAPS
(R-01)


EFFECTIVE AUGUST 1996

MONTANA DEPARTMENT
OF TRANSPORTATION

SYMBOL: 

DUGOUT DITCH BASINS BMP R-02:
 DUGOUT DITCH BASINS (008) CONSIST OF ONE OR A SERIES OF SMALL DUGOUT BASINS USED FOR CONCENTRATION POINTS TO REDUCE RUNOFF VELOCITY, PROMOTE SEDIMENT RETENTION AND ALLOW FOR SLOWLY INFILTRATING WATER INTO THE SOIL.
 USED INSIDE THE ERRANT VEHICLE RECOVERY AREA IS 6 INCHES.
 DUGOUT DITCH BASINS ARE USED FOR LONGITUDINAL SLOPE STEEPNESS (GRADE) SEDIMENT RETENTION. APPLICATIONS INCLUDE DITCH SEDIMENT TRAPS, INTERCEPTOR DITCHES, AND THE DISTANCE BETWEEN DUGOUT DITCH BASINS IS SHOWN IN THE DITCH SEDIMENT TRAP SECTION FOR DITCH SEDIMENT RETENTION. USE ON SLOPES IS DEPENDENT ON SOIL TYPES.



DETAILED DRAWING	DWG. NO.
REFERENCE	208-40
STANDARD SPEC.	SECTION 208
DUGOUT DITCH BASIN	(R-02)
EFFECTIVE: AUGUST 1996	
	
MONTANA DEPARTMENT OF TRANSPORTATION	

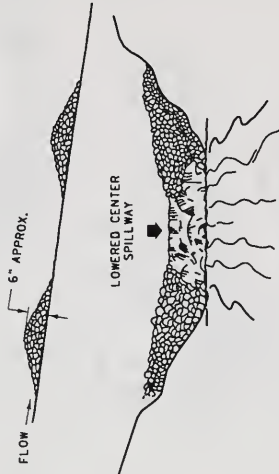
SYMBOL: 

GRAVEL FILTER BERM BMP R-031

GRAVEL FILTER BERMS (GFB) CONSIST OF A SINGLE OR SERIES OF GRAVEL BERMS TO REDUCE RUNOFF VELOCITIES AND RETAIN SEDIMENT. THE MAXIMUM HEIGHT FOR GRAVEL FILTER BERMS USED INSIDE THE ERRANT VEHICLE RECOVERY AREA IS 6 INCHES.

BERM MATERIAL MUST BE 100% PASSING 2" SCREEN AND 10% MAXIMUM PASSING NO. 4 SIEVE. BERM MATERIAL MAY BE PITRUN OR CRUSHED AGGREGATE.

GRAVEL FILTER BERMS ARE USED FOR SHEET OR CONCENTRATED FLOWS TO REDUCE RUNOFF VELOCITY, PROMOTE SEDIMENT RETENTION AND ALLOW SETTLING OF SEDIMENT. INCLUDE DITCH SEDIMENT TRAP WHEN THE DITCH EXTENDS TO THE END OF THE SLOPE. SUCH AN EXTENT THAT END CUTTING IS PREVENTED. POSITION THE BARRIER TO PREVENT SEDIMENT FROM ENTERING DRAINAGE. DO NOT PLACE THE BARRIER ACROSS LIVE STREAMS. DISTANCE BETWEEN GRAVEL FILTER BERMS IS SHOWN IN THE DITCH SEDIMENT TRAP SECTION FOR DITCH SEDIMENT RETENTION. REMOVE SEDIMENT FROM BEHIND THE BERM WHEN IT ACCUMULATES TO ONLY HALF (1/2) THE ORIGINAL HEIGHT UNLESS ITS DRAINAGE AREA HAS BEEN STABILIZED.



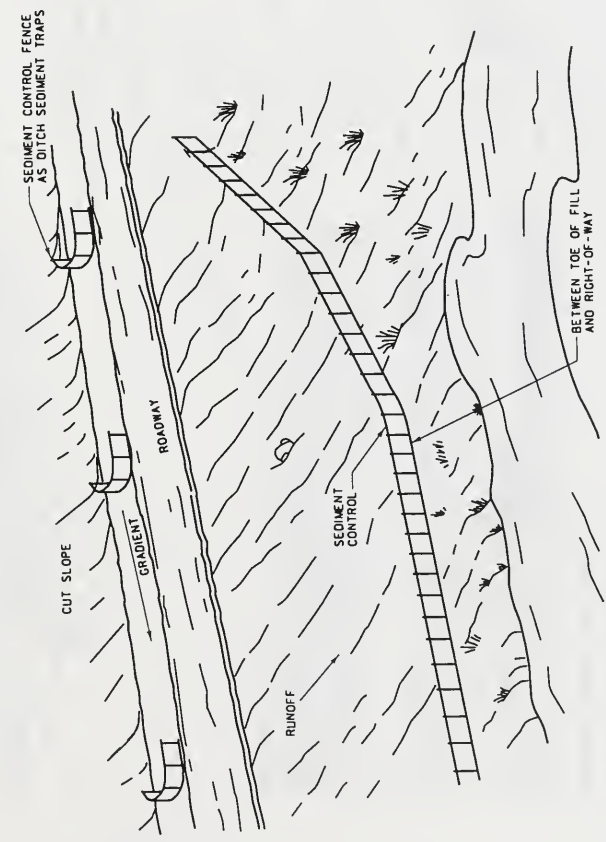
DETAILED DRAWING	DWG. NO.
REFERENCE	208-45
STANDARD SPEC.	SECTION 208
GRAVEL FILTER BERM	
(R-03)	
EFFECTIVE AUGUST 1996	
MONTANA DEPARTMENT OF TRANSPORTATION	
MT	
MONTANA	
CAUD	

SYMBOL: 

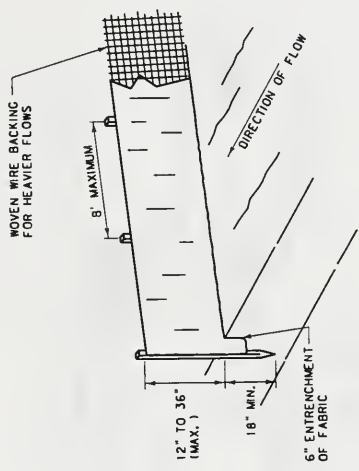
SEDIMENT CONTROL FENCE BMP R-041

SEDIMENT CONTROL FENCE (SCF) IS A SINGLE OR SERIES OF FILTER FABRIC SEDIMENT BARRIER(S) STRETCHED AND ATTACHED TO SUPPORTING POSTS. THE FENCE BOTTOM IS ENTRENCHED.

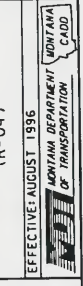
SEDIMENT CONTROL FENCES ARE USED FOR SHEET OR CONCENTRATED FLOWS TO ASSIST IN SEDIMENT CONTROL BY RETAINING SOME OF THE ERODED SOIL PARTICLES AND SLOWING THE RUNOFF VELOCITY TO ALLOW PARTICLE SETTLING. APPLICATIONS INCLUDE DITCH SEDIMENT TRAPS, WATER RESOURCES PROTECTION, INLET/OUTLET PROTECTION, BANK STABILIZATION, SEDIMENT CONTROL PRIOR TO AND CHANNEL ENHANCEMENT. SEDIMENT CONTROL FENCES ARE USED TO PREVENT EROSION OF CUT OR FILL SLOPE FOR A SEDIMENT CONTROL FENCE IS 2:1. USE MAXIMUM CUT OR FILL SLOPE FOR A SEDIMENT CONTROL FENCE IS 2:1. USE 2 INCH BY 2 INCH (NOMINAL) WOODEN STAKES.



SEDIMENT CONTROL FENCES ARE USED BETWEEN THE EDGE OF CONSTRUCTION DISTURBANCE AND A WATER RESOURCE OR CRITICAL RESOURCE OR RIGHT-OF-WAY LINE THAT IS ADJACENT TO CONSTRUCTION ACTIVITY. IN DITCHES AND SWALES THE ENDS OF THE FENCE CURVE UPSTREAM TO PREVENT FLOW FROM BY-PASSING THE FENCE. POSITION THE BARRIER DOWNSTREAM OF THE FLOW ENTERING THE DITCH. WHEN PLACING THE BARRIER ACROSS LIVE STREAMS, VELOCITIES AND SEDIMENT NECESSARY WHEN DEALING WITH HEAVY FLOW SEDIMENT CONTROL FENCES IS SHOWN IN THE DITCH SEDIMENT TRAP SECTION FOR DITCH SEDIMENT RETENTION. REMOVE SEDIMENT FROM BEHIND THE BERM WHEN IT ACCUMULATES TO ONE THIRD (1/3) THE ORIGINAL ELEVATION. TO REMOVAL OF FENCE, SEDIMENT DEPOSITS WILL BE EITHER GRADED AND SEED OR REMOVED.



SILT FENCE CONSTRUCTION

DETAILED DRAWING	DWG. NO.
REFERENCE	208-50
STANDARD SPEC.	SECTION 208
SEDIMENT CONTROL FENCE	(R-04)
EFFECTIVE: AUGUST 1996	
	

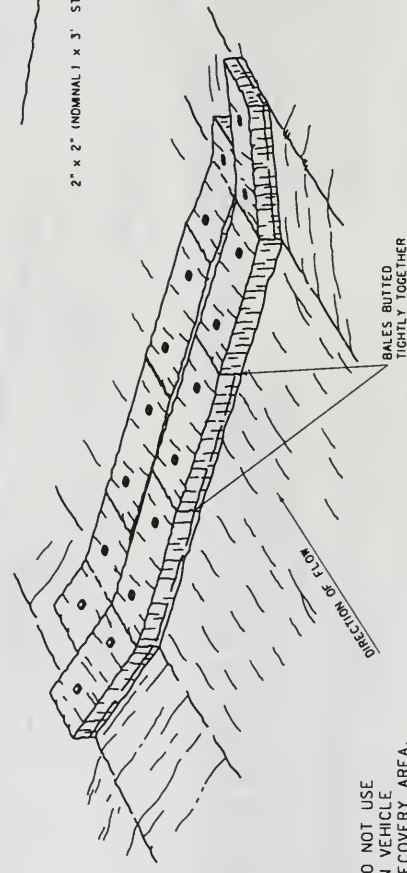
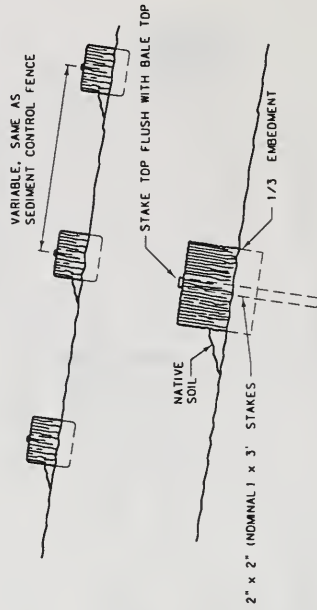
SYMBOL: 

STRAW BALE BARRIER BMP R-05:


STRAW BALE BARRIER (SBB) IS A SEDIMENT BARRIER CONSISTING OF ENTRENCHED, OVERLAPPING, AND ANCHORED STRAW BALES TO REDUCE RUNOFF VELOCITIES AND RETAIN SEDIMENT. DO NOT USE STRAW BALE BARRIERS INSIDE THE ERRANT VEHICLE RECOVERY AREA. STRAW BALES MUST BE CERTIFIED WEED-FREE.

STRAW BALE BARRIERS ARE USED FOR SHEET OR CONCENTRATED FLOWS TO REDUCE RUNOFF VELOCITY, PROMOTE SEDIMENT RETENTION AND ALLOW SETTLING. ENTRENCH THE BARRIER APPROXIMATELY ONE-THIRD (1/3) OF THE BALE'S HEIGHT AND BACKFILL ON THE UPHILL SIDE. USE 2 INCH BY 2 INCH (NOMINAL) BY 3 FOOT LONG WOODEN STAKES. DO NOT USE METAL STAKES. USE A MINIMUM OF TWO (2) STAKES PER BALE.

AS A DITCH SEDIMENT TRAP, EXTEND THE END OF THE BARRIER TO SUCH AN EXTENT THAT THE BOTTOMS OF THE END BALES ARE HIGHER THAN THE TOPS OF THE LOWEST CENTER BALES. POSITION THE BARRIER TO PREVENT SEDIMENT FROM ENTERING THE DRAINAGE. DO NOT PLACE THE BARRIER ACROSS LIVE STREAMS. REPAIR OR REPLACE DAMAGED, UNDER-CUT, OR END RUN BALES. APPLICATIONS INCLUDE (OUTSIDE THE ERRANT VEHICLE RECOVERY AREA) DITCH SEDIMENT TRAPS, INLET/OUTLET PROTECTION, BANK PROTECTION AND TOE OF SLOPE PROTECTION.



DO NOT USE IN VEHICLE RECOVERY AREA.

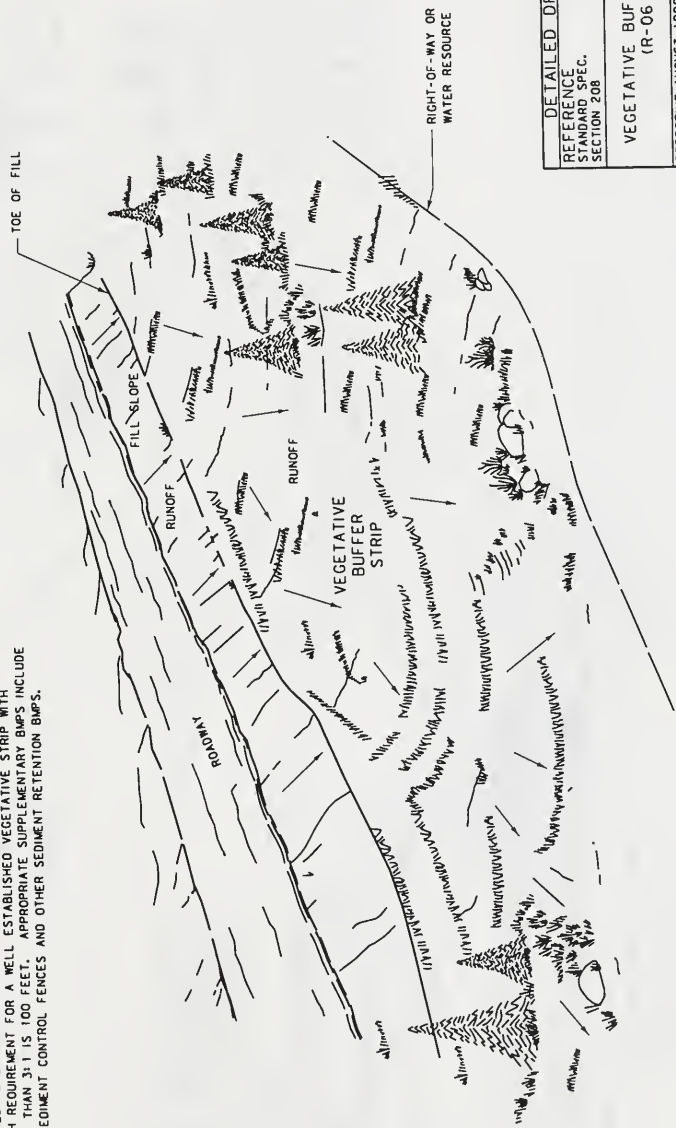
DETAILED DRAWING	
REFERENCE STANDARD SPEC. SECTION 208	DWG. NO. 208-55
STRAW BALE BARRIER (R-05)	
EFFECTIVE: AUGUST 1996	
 MONTANA DEPARTMENT OF TRANSPORTATION	

SYMBOL: 

VEGETATIVE BUFFER STRIP BMP R-061

VEGETATIVE BUFFER STRIP (VBS) IS AN UNDISTURBED AREA OR STRIP OF ESTABLISHED NATURAL VEGETATION. A VEGETATIVE BUFFER STRIP PROVIDES A LIVING SEDIMENT FILTER TO REDUCE RUNOFF VELOCITIES AND ALLOW CAPTURE AND SETTLING OF COARSE-GRAINED SEDIMENT. VEGETATIVE BUFFER STRIPS REDUCE OR PREVENT SEDIMENTATION FROM LEAVING THE RIGHT-OF-WAY.

IDENTIFY VEGETATIVE BUFFER STRIPS WITH FLAGGING BEFORE CONSTRUCTION OCCURS. KEEP EQUIPMENT AND FILL MATERIAL OFF OF VEGETATIVE BUFFER STRIPS. ALWAYS CONSIDER VEGETATIVE BUFFER STRIPS WHEN WATER RESOURCES ARE ADJACENT TO OR NEAR DISTURBED AREAS AND REQUIRE PROTECTION. THE MINIMUM WIDTH REQUIREMENT FOR A WELL ESTABLISHED VEGETATIVE STRIP WITH A SLOPE OF 3:1 OR FLATTER IS 50 FEET. THE MINIMUM WIDTH REQUIREMENT FOR A WELL ESTABLISHED VEGETATIVE STRIP WITH A SLOPE STEEPER THAN 3:1 IS 100 FEET. APPROPRIATE SUPPLEMENTARY BMPs INCLUDE GRAVEL BERMS, SEDIMENT CONTROL FENCES AND OTHER SEDIMENT RETENTION BMPs.



DETAILED DRAWING
REFERENCE
STANDARD SPEC.
SECTION 208

DWG. NO.
208-60

VEGETATIVE BUFFER STRIP
(R-06)

EFFECTIVE AUGUST 1996

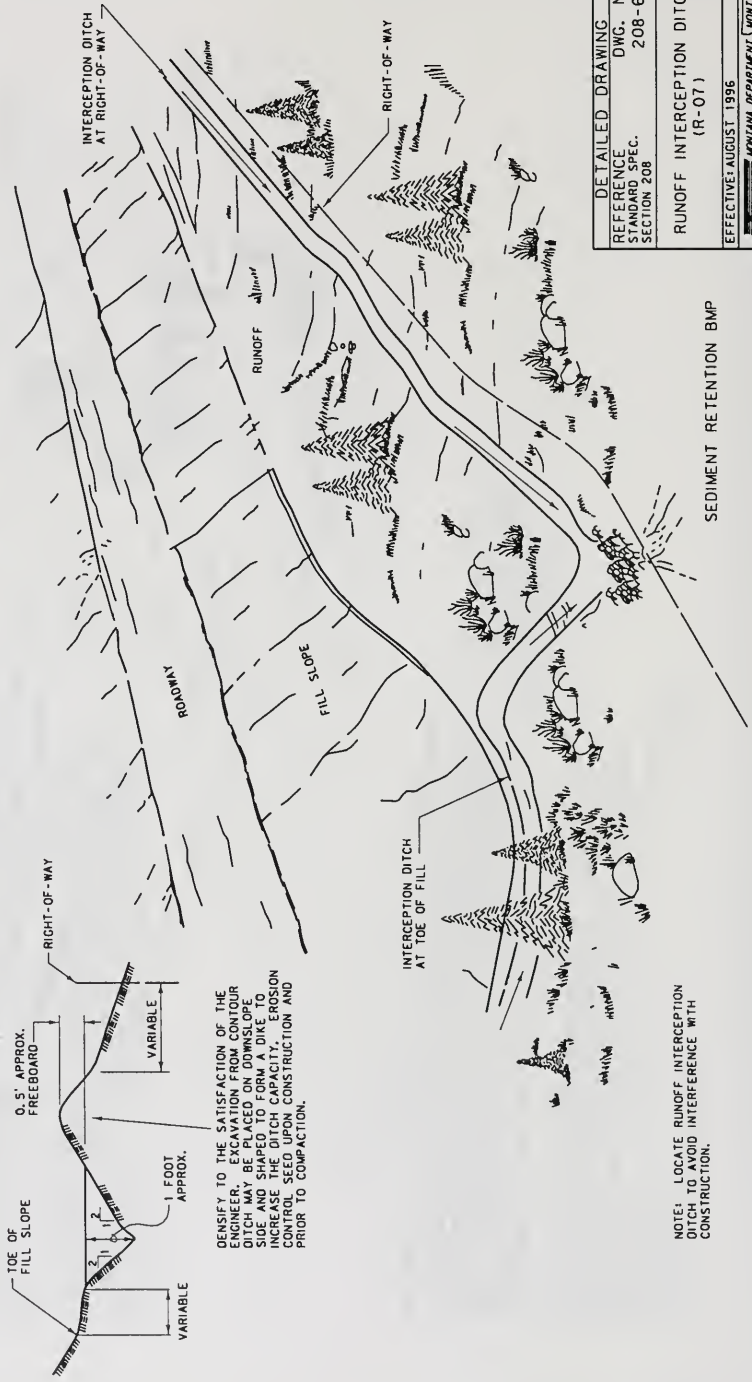


SYMBOL: 

RUNOFF INTERCEPTION DITCHES BMP R-07:

RUNOFF INTERCEPTION DITCHES (RID) INTERCEPT AND CONVEY SHEET FLOW RUNOFF TO SEDIMENT RETENTION BMPs. INTERCEPTED FLOWS PREVENT OFF-SITE DISCHARGE OF STORM WATER AND SEDIMENTATION.

USE RUNOFF INTERCEPTION DITCHES AT THE TOE OF SLOPES OR BETWEEN DISTURBED AREAS AND RIGHT-OF-WAY LINES TO PREVENT FLOWS FROM CARRYING SEDIMENT OFF-SITE. APPROPRIATE SUPPLEMENTARY BMPs INCLUDE SLOPE DRAINS OR DITCH SEDIMENT TRAPS.



DENSITY TO THE SATISFACTION OF THE ENGINEER. EXCAVATION FROM CONTOUR TO CONTOUR MAY BE REQUIRED TO FORM DITCH TO SHAPE TO FORM DITCH TO INCREASE THE DITCH CAPACITY. EROSION CONTROL SEED UPON CONSTRUCTION AND PRIOR TO COMPACTION.

NOTE: LOCATE RUNOFF INTERCEPTION DITCHES TO AVOID INTERFERENCE WITH CONSTRUCTION.

DETAILED DRAWING	DWG. NO.
REFERENCE	208-65
STANDARD SPEC.	
SECTION 208	
RUNOFF INTERCEPTION DITCH (R-07)	
EFFECTIVE: AUGUST 1996	
MONTANA DEPARTMENT OF TRANSPORTATION	

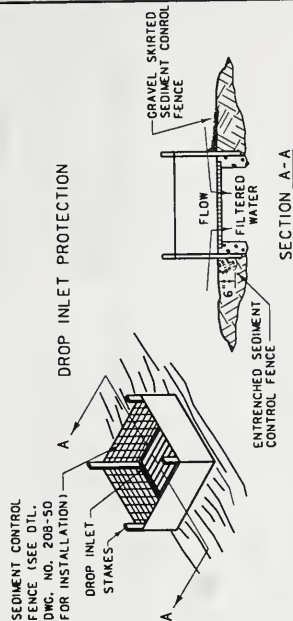
SYMBOL:

(1/0)

INLET/OUTLET PROTECTION BMP R-08:

INLET/OUTLET PROTECTION (I/O) ARE STRUCTURES ASSOCIATED WITH SEDIMENT REMOVAL AT INLETS AND SEDIMENT REMOVAL FROM OUTLETS. THE PURPOSE OF THIS DISTURBED AREAS WITH MINIMAL IMPACT DURING STORM EVENTS AND TO KEEP SEDIMENT FROM LEAVING MOT PROPERTY.

INLET/OUTLET PROTECTION IS USED AT CULVERT INSTALLATIONS THAT DISCHARGE DIRECTLY INTO A WATER RESOURCE OR CULVERT AND NOT USE INLET/OUTLET PROTECTION ADJACENT TO THE CULVERT. IT SHOULD NOT BE USED FOR PROTECTION ON STOCK UNDERPASSES OR APPROACH CULVERTS.



CULVERT IN A SWALE

INTERMITTENT FLOW AND
CONSTRUCTION SEASON
TERMINATION/WINTER SUSPENSION

CULVERT INSTALLATION
WITH INTERMITTENT FLOW

INSTALL PROTECTION NEAR OR
AT WATER'S EDGE TO PREVENT
SEDIMENT FROM ENTERING WATER

SEDIMENT CONTROL FENCE
(OR GRAVEL FILTER BERM)

RIGHT-OF-WAY LINE

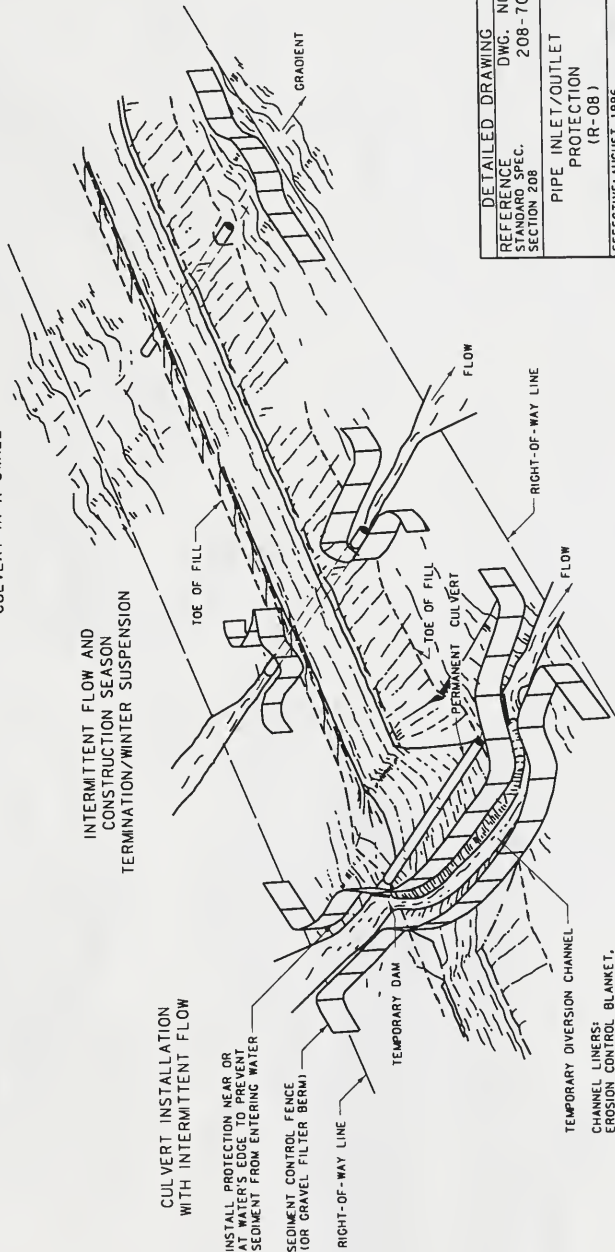
TEMPORARY DAM

FLOW

RIGHT-OF-WAY LINE

TEMPORARY DIVERSION CHANNEL

CHANNEL LINERS:
EROSION CONTROL BLANKET,
ROCK, GEOTEXTILE FABRIC



DETAILED DRAWING
REFERENCE DWG. NO.
STANDARD SPEC. 208-70
SECTION 208

PIPE INLET/OUTLET
PROTECTION
(R-08)

EFFECTIVE: AUGUST 1996

MONTANA
DEPARTMENT
OF TRANSPORTATION
CADD

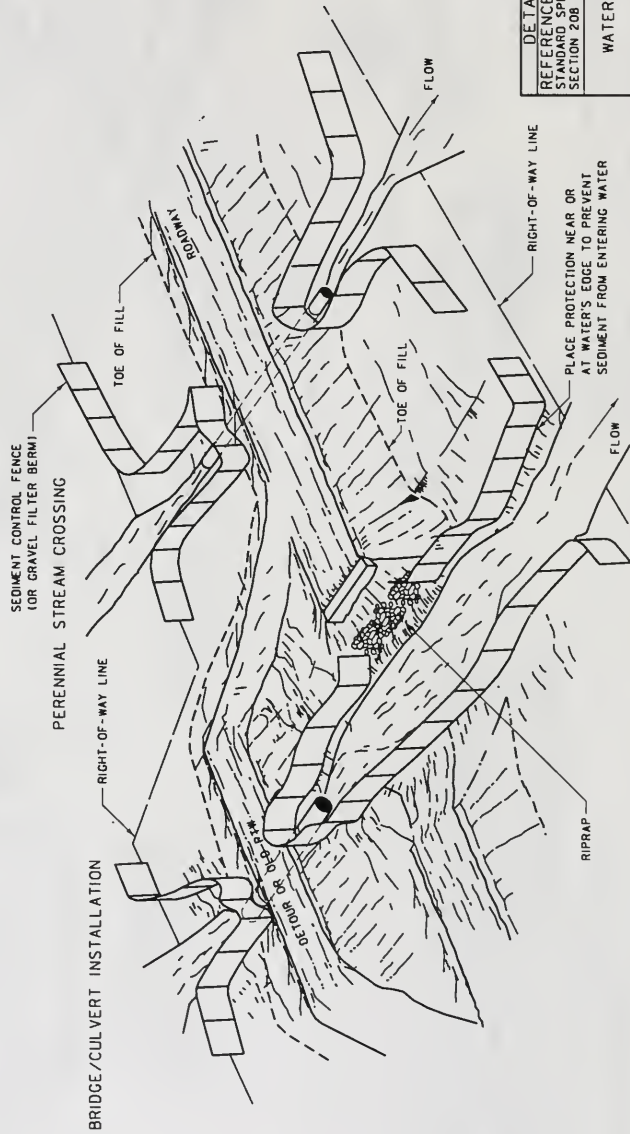
SYMBOL:



WATERWAY PROTECTION BMP W-01:

WATERWAY PROTECTION (WP) IS AN EROSION CONTROL FOR CONSTRUCTION ACTIVITIES CROSSING WATER RESOURCES. WATERWAY PROTECTION APPLIES TO PERENNIAL STREAM CROSSINGS, WETLANDS, CHANNEL CHANGES, STREAM BANK DISTURBANCES, IRRIGATION SYSTEMS OR OTHER IMPACTS TO WATER RESOURCES FROM BRIDGE CONSTRUCTION OR CULVERT INSTALLATION.

APPROPRIATE BMPs INCLUDE EROSION MAT, GRAVEL FILTER BERM, SEDIMENT CONTROL FENCE, STRAW BALE BARRIER OR VEGETATIVE BUFFER STRIP. ADDITIONAL BMPs INCLUDE SLOPE ROUGHENING, RUN-ON DIVERSION/CONTROL, DITCH SEDIMENT TRAP, OUGROUT DITCH BASINS AND RUNOFF INTERCEPTION DITCH. THIS LIST OF BMPs IS NOT COMPREHENSIVE AND DOES NOT SUPERSEDE ANY STANDARD SPECIFICATIONS OR STANDARDS AND REQUIREMENTS SPECIFIED BY OTHER AUTHORIZED STATE AND FEDERAL AGENCIES.



DETAILED DRAWING
REFERENCE
DWG. NO.
208-75
STANDARD SPEC.
SECTION 208

WATERWAY PROTECTION
(W-01)

EFFECTIVE: AUGUST 1996

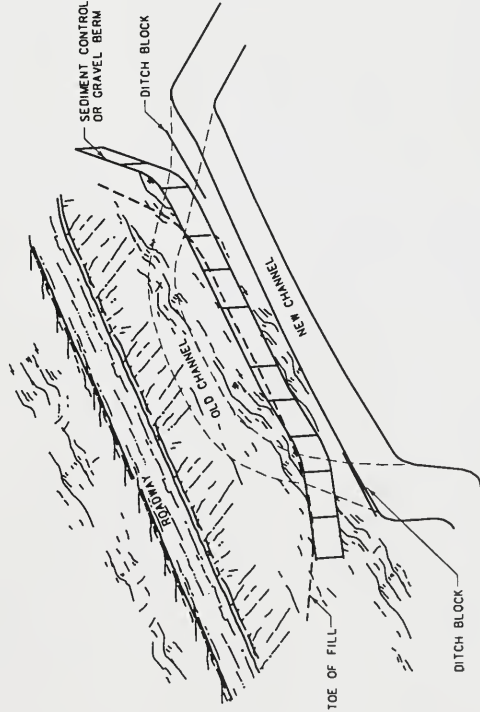
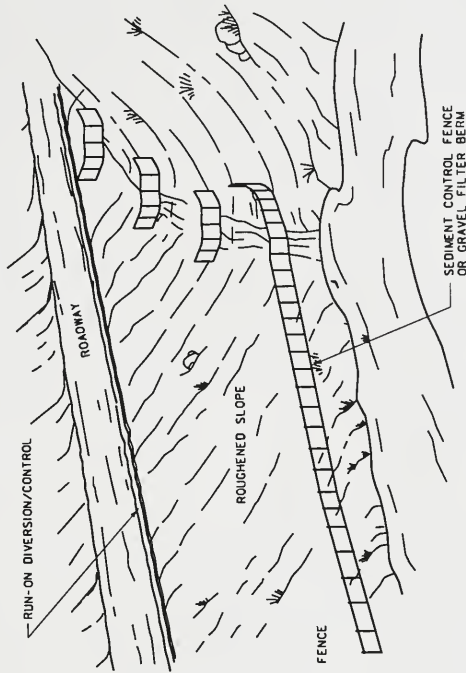


SYMBOL: 

WATER RESOURCE PROTECTION BMP W-02:

WATER RESOURCE PROTECTION (WR) IS EROSION CONTROL FOR CONSTRUCTION ACTIVITIES ADJACENT TO WATER RESOURCES. WATER RESOURCE PROTECTION APPLIES TO PERENNIAL STREAMS, WETLANDS, CHANNELS, SEEPAGE, AND BANK DISTURBANCES. IRRIGATION SYSTEMS ARE CONSIDERED IMPACTS TO WATER RESOURCES. THE DESIGNER MUST INDICATE THE LOCATION OF THE BMP ON THE PLANS AND PUTS WATER RESOURCE PROTECTION WITH IT.

APPROPRIATE BMP'S INCLUDE EROSION MAT, GRAVEL FILTER BERM, SEDIMENT CONTROL FENCE, STRAW BALE BARRIERS, CHECK DAMS, RUN-ON DIVERSION/CONTROL, ADJUSTED SLOPE, ROUGHENING, DITCH BASINS AND RUNOFF INTERCEPTION DITCH. THIS LIST OF BMP'S IS NOT COMPREHENSIVE AND DOES NOT SUPERSEDE ANY STANDARD SPECIFICATIONS OR MANDATES AND REQUIREMENTS SPECIFIED BY OTHER AUTHORIZED STATE AND FEDERAL AGENCIES.



DETAILED DRAWING	
REFERENCE DWG. NO.	208-80
STANDARD SPEC.	SECTION 208
WATER RESOURCE PROTECTION (W-02)	
EFFECTIVE: AUGUST 1996	
WYOMING DEPARTMENT OF TRANSPORTATION	WYOMING
CADD	

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